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Treaty of Friendship and Bon Voisinage

between

Trans-Jordan and Saudi Arabia

PAPERS

1933

CLOSED UNTIL 1964

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1933

TABLE OF CONTENTS

Serial No.		*Page*
1.	Despatch dated 8th May, 1933, from His Majesty's Representative, Jedda, to the Secretary of State for Foreign Affairs, reporting generally on the negotiations at Jedda during the period 22nd April-5th May, 1933	5
	Enclosures.	
	Diary of British Mission's visit	13
	Principal documents evolved or contemplated during the Conference	14
	Translation of Fuad Bey Hamza's memorandum of 23rd April, 1933	15
	Translation of draft Treaty of Friendship and *Bon Voisinage* as collated early on 4th May, 1933	18
	Translation of draft Arbitration Protocol as collated early on 4th May, 1933	21
	Memorandum on draft Agreements as collated on 4th May, 1933	22
	Draft British Note on Saudi representation in Trans-Jordan	25
	Translation of draft letter regarding the nationality of Tribes	26
	Translation of preliminary draft of Schedule of Rules for guidance of frontier officers	27
2.	Despatch from the British Resident, Amman, to the Acting High Commissioner, Trans-Jordan, dated 19th May, 1933, reporting on the negotiations between the British Mission and the representatives of Saudi Arabia at Jedda from 22nd April to 5th May, 1933	29
	Enclosures.	
	Notes on the 1st Meeting held on 23rd April, 1933 ...	33
	Notes on the 2nd Meeting held on 24th April, 1933 ...	34
	Notes on the 3rd Meeting held on 25th April, 1933 ...	36
	Notes on the 4th Meeting held on 25th April, 1933 ...	37
	Notes on the 5th Meeting held on 26th April, 1933 ...	39
	Notes on the 6th Meeting held on 26th April, 1933 ...	40
	Notes on the 7th Meeting held on 29th April, 1933 ...	41
	Notes on the 8th Meeting held on 29th April, 1933 ...	42
	Notes on the 9th Meeting held on 30th April, 1933 ...	44
	Notes on the 10th Meeting held on 1st May, 1933 ...	45
	Notes on the 11th Meeting held on 1st May, 1933 ...	46
	Notes on the 12th Meeting held on 2nd May, 1933 ...	48
	Notes on the 13th Meeting held on 3rd May, 1933 ...	49
	Notes on the 14th Meeting held on 3rd May, 1933 ...	50
	Notes on the 15th Meeting held on 4th May, 1933 ...	51
	Notes on the 16th Meeting held on 4th May, 1933 ...	53

Serial No.		*Page*
	Appendix.	
	Summary Record of the main points discussed in Sir A. Ryan's personal conversation with Fuad Bey Hamza at the Kharijiya on 28th April, 1933	56
3.	Despatch from His Majesty's Representative, Jedda, to the Secretary of State for Foreign Affairs, dated 30th May, 1933, submitting a further account of conversations with Fuad Bey Hamza subsequent to 5th May, 1933	58
	Enclosures.	
	Memorandum dated 20th May, 1933, regarding main points discussed between Sir A. Ryan and Fuad Bey Hamza on 13th and 20th May, 1933	60
	Memorandum dated 27th May, 1933, regarding main points discussed between Sir A. Ryan and Fuad Bey Hamza on 27th May, 1933	61
	Translation of a draft letter regarding arrangements for meetings of Special Officers	63
	Proposed draft of note to be addressed by His Majesty's High Commissioner or by Sir A. Ryan to the Saudi plenipotentiary on the date of signature of the Treaty of Friendship and *Bon Voisinage* between Saudi Arabia and Trans-Jordan	64
4.	Despatch from His Majesty's Representative, Jedda, to the Secretary of State for Foreign Affairs, dated 6th June, 1933, reporting concurrence of Fuad Bey Hamza with Sir A. Ryan's record of the results of the conversation on 27th May subject to observations specified	64
5.	Despatch from His Majesty's Representative, Jedda, to the High Commissioner, Trans-Jordan, dated 30th June, 1933, forwarding copies of a letter and memorandum addressed to Fuad Bey Hamza regarding the Sirham tribe	65
6.	Despatch from His Majesty's Representative, Jedda, to the Secretary of State for Foreign Affairs, dated 10th August, 1933, submitting a general report on the second stage of the negotiations at Jerusalem from 24th to 27th July, 1933, and forwarding a list of documents signed on 27th July, 1933 ...	69
7.	Treaty of Friendship and *Bon Voisinage* signed at Jerusalem on 27th July, 1933, together with Protocol on Arbitration and Schedule appended to Treaty	77
8.	Tewfik Bey Abul Huda to Fuad Bey Hamza, dated 27th July, 1933, regarding the nationality of certain tribes and enclosing a list of persons of the Beni 'Atiya tribe who, with members of their families living with them, will be regarded as Trans-Jordanian subjects	86
9.	Fuad Bey Hamza to Tewfik Bey Abul Huda, dated 27th July, 1933, replying to No. 8	90
10.	Fuad Bey Hamza to Tewfik Bey Abul Huda, dated 27th July, 1933, regarding the appointment of special officials with a view to the organization of general co-operation in the zones in the neighbourhood of the frontier between the two countries	91

Serial No.		Page
11.	Tewfik Bey Abul Huda to Fuad Bey Hamza, dated 27th July, 1933, replying to No. 10	92
12.	Tewfik Bey Abul Huda to Fuad Bey Hamza, dated 27th July, 1933, regarding the arrangement between the two Governments not to pursue or support claims arising from raids or any other acts similar thereto	93
13.	Fuad Bey Hamza to Tewfik Bey Abul Huda, dated 27th July, 1933, replying to No. 12	94
14.	Sir A. Ryan to Fuad Bey Hamza, dated 27th July, 1933, giving reasons why His Majesty's Government in the United Kingdom consider themselves responsible for the fulfilment by the Amir and Government of Trans-Jordan of the obligations entered into by His Highness the Amir in the Treaty of Friendship and *Bon Voisinage*, etc.	95
15.	Sir A. Ryan to Fuad Bey Hamza, dated 27th July, 1933, stating that the rule laid down in Article 11 of the Treaty of Friendship and *Bon Voisinage* shall apply equally to persons in Trans-Jordan in the employment of His Majesty's Government in the United Kingdom	96
16.	Sir A. Ryan to Fuad Bey Hamza, dated 27th July, 1933, regarding diplomatic and consular relations between the two High Contracting Parties	96
17.	Sir A. Ryan to Fuad Bey Hamza, dated 27th July, 1933, regarding the nationality of the Ruwalla tribe	97
18.	Fuad Bey Hamza to Sir A. Ryan, dated 27th July, 1933, replying to No. 14	98
19.	Fuad Bey Hamza to Sir A. Ryan, dated 27th July, 1933, replying to No. 15	99
20.	Fuad Bey Hamza to Sir A. Ryan, dated 27th July, 1933, replying to No. 16	99
21.	Fuad Bey Hamza to Sir A. Ryan, dated 27th July, 1933, replying to No. 17	100
22.	Report dated 27th December, 1933, by the Assistant British Resident, Amman, to the British Resident, Amman, on the Meeting at Cairo on 20th December, 1933, at which ratifications of the Treaty were exchanged	100

17776/2/33 [No. 106].

No. 1.

Despatch from His Majesty's Representative, Jedda, to the Secretary of State for Foreign Affairs.

(*Copy received in Colonial Office 2nd June*, 1933.)

(No. 131.)

BRITISH LEGATION,
JEDDA,
8th May, 1933.

SIR,

With reference to my telegram No. 93 of 5th May*, I have the honour to submit a general report on the recent negotiations with a view to a treaty settlement between Saudi Arabia and Trans-Jordan. I will endeavour to make this despatch and its enclosures as self-contained as possible, avoiding back reference except when it is essential.

2. The mission from Trans-Jordan arrived in Jedda on 22nd April, accompanied by Mrs. Cox. The party were welcomed with every mark of distinction both on board ship and at the quay, where they were received by Fuad Bey Hamza, the Governor of Jedda and myself among others. Arrangements had been made to accommodate them as Government guests at the Kandara villa outside the town. If the arrangements there were not perfect at all points from an European point of view, this was due to no lack of courtesy or good will. The formal dinners given by the Saudi Government, the Governor of Jedda, and the Amir Feysal on the evenings of 22nd to 24th April were well-managed functions. I do not think that the King can be accused of discourtesy in delaying his arrival in Jedda until the conference was nearly at an end, although an earlier arrival might have contributed to a happier result. He perhaps pushed Oriental formality to an extreme in making no reference to the object of the mission's visit when he received us on 3rd May, especially as he confined his personal intercourse with the mission to that single audience.

3. I enclose a diary of the visit of the mission from 22nd April to 5th May. Fuad Bey came to tea at the Legation on 22nd April and we arranged certain points of procedure. As our own drafts were not quite ready, we agreed the more readily to listen at a first formal meeting next day to an exposition by Fuad Bey of points which might arise. He came to the meeting with Sheykh Yusuf Yassin, who acted as his fellow delegate throughout the conference and who, if there was any inequality, seemed to take the leading part on the Saudi side.

4. One of the preliminary arrangements made at the outset was that no attempt should be made to keep agreed minutes of

* Enclosure in 17776/2/33 [No. 79]: not printed.

the discussions between the Delegations. This was qualified on 25th April by an understanding that if any agreement should be reached in the course of debate, which might have permanent importance but would not find a place in eventual texts, they should be embodied in special agreed minutes. No such special minutes were in fact drawn up. Notes of the proceedings were kept for use in this Legation but Colonel Cox has kindly undertaken to prepare the records for general use of the discussions at the sixteen meetings.* These will doubtless reach you through the Colonial Office.

5. Fuad Bey spoke on 23rd April from a memorandum under eighteen heads, a translation of which I enclose, although it was not put in as being itself a definite statement of the Saudi case. This made it unnecessary to discuss it in detail on our side but we made it clear that we considered both subheads of point 1 to be outside the scope of the conference. We admitted that all the other points were germane to the issues to be discussed, subject to a doubt as to whether some of them were suitable for inclusion in a general settlement, more especially those relating to local frontier practice like points 10, 11, 12, 14, and 15. We suggested that it would be better to discuss in the first instance the draft agreements prepared by us and then, if necessary, to return to Fuad Bey's memorandum and see how much of it was covered. The Saudi delegates agreed.

6. The first draft which we were able to put forward was that of an Extradition Treaty. This followed the English text produced in 'Ammân in February, subject to minor alterations suggested by further study. A general discussion of our draft on 24th April made it clear that there would be acute differences of opinion both in regard to the procedure contemplated in it and the definition of extraditable offences.

7. Our draft Treaty of Friendship and *Bon Voisinage* having been completed in the interval, it was decided to leave the contentious subject of extradition in abeyance and to start discussion of the draft Treaty of Friendship on 25th April. This draft was also on the lines of that prepared at 'Ammân in February, subject to modifications resulting from Colonial Office telegram No. 42 Secret of 11th April† to the High Commissioner and some further minor amendments. The wording and arrangement of this treaty were the subject of very close discussion during the remainder of the Conference. We eventually reached almost complete agreement, except as regards Article 2, on a text which was collated by experts in Arabic, including Fuad Bey and Taufiq Bey early on 4th May, before the general meeting that morning.

8. I now turn to the Arbitration Protocol. Before the mission arrived, I had satisfied myself that in our anxiety at 'Ammân in

* Enclosures 1 to 16 in No. 2.

† 17776/2/33 [No. 37]: not printed.

February not to get too far from the Saudi 'Iraq texts we had adapted proposals the practical working of which would be very difficult. I therefore prepared, in agreement with Colonel Cox and Taufiq Bey, a revised draft, which still contemplated recourse to arbitration at the option of either party, but which laid down an orderly procedure, including provision for the nomination of the President of the Board by a third power, not specified, in the event of the parties failing to agree on one. The Arabic of this draft was handed to the Saudi delegates on 30th April.

9. After the draft Protocol had been thus put forward, Colonel Cox and I became alive to the danger which might result if each party were given unlimited freedom to bring the other compulsorily to arbitration on any question affecting their relations. It was obviously desirable to avoid any possibility of questions like Ma'an-'Aqaba and frontier delimination being submitted to arbitration of the kind contemplated and it seemed equally desirable to guard against frivolous or petulant recourse to it under general treaty clauses dealing with the broad principles of collaboration. In a general discussion on 1st May we led up to a modified proposal, which we reduced to written form next day, that questions under specified articles of the Hadda Agreement and the new Treaty of Friendship should be made arbitrable at the option of either party but that all others should be submitted to arbitration only by special agreement. The Saudi delegates on 3rd May demurred to the proposal to establish two categories and to our surprise now plumped for arbitration by special agreement in all cases. It appeared to me that, so far as His Majesty's Government were concerned, this would give them all that they required as a safety valve in the event of the Saudi Government persisting in unreasonable complaints that Trans-Jordan had not fulfilled obligations and invoking the guarantee of the mandatory power. Colonel Cox agreed and Taufiq Bey was satisfied. Complete texts of the relevant article of the Treaty of Friendship and the Arbitration Protocol were then agreed upon.

10. Up to the eve of the final discussion on the Arbitration Protocol the question of how the President of an arbitration board should be appointed, in case of non-agreement, continued to present difficulty. I was unwilling to propose formally that His Majesty's Government should be named as the third power, as, though obviously suitable, they will always be identified more with one side than with the other. I broached the suggestion privately to Fuad Bey on 2nd May. As I expected he demurred to provision in the Protocol for nomination by His Majesty's Government. The King, he said, had every confidence in their impartiality but a public assignment to them of the rôle of nominator would be misconstrued. I suggested that this difficulty might be overcome by a diplomatic understanding, if necessary in semi-official letters only, that in case of need the Saudi Government would accept the

mediation of His Majesty's Government. In the event I did not pursue this suggestion. At the formal meeting on 3rd May Fuad Bey simply proposed that no provision should be made for third-party nomination. As we had already agreed to arbitration by special agreement only, my colleagues and I decided to acquiesce in this. It appeared to us that, if at a future time, the Saudi Government refused reasonable proposals regarding a President they would put themselves as much in the wrong as if they refused reasonable proposals for the arbitration itself.

11. We had come back to the draft Extradition Treaty on 2nd May. When we reached Article 3 it was obvious that an agreement regarding the definition of political offences would be impossible. Sheykh Yusûf Yassin was dissatisfied with the list of offences in the text. He was dissatisfied with my explanation that although the offences would be extraditable if they were ordinary offences committed during an armed rising the competent court would have to appreciate their character, e.g., attempted killing might be ordinary murder or a rebel act. He not only wished the act of armed rebellion to be extraditable, but suggested that political activities like those of Huseyn and Tahir ad-Dabbâgh should be considered extraditable offences also, a suggestion which I said His Majesty's Government would in no circumstances countenance, although it would be their duty and the duty of the Trans-Jordan Government to circumscribe such activities by action in their own spheres.

12. I had on the previous evening told Fuad Bey privately that in my opinion it would be far better to abandon the attempt to make an extradition treaty and to concentrate on the provisions in the Treaty of Friendship for dealing with offences on the frontier. Having found Fuad Bey personally amenable I threw out this suggestion again at the meeting on 2nd May. The Saudi delegates after some half-hearted hesitation accepted it and we returned in due course to the relevant portion of the draft Treaty of Friendship.

13. We had thus by the evening of 3rd May evolved (*a*) an almost agreed draft of the Treaty of Friendship and (*b*) a completely agreed draft Arbitration Protocol. Progress with the final stages of the discussion of these texts had been so rapid after the King's arrival in Jedda early on 3rd May that there seemed to be a prospect of getting them signed late on 4th May or on the morning of 5th May. The only subject, apart from Article 2 of the Treaty of Friendship, which still preoccupied my colleagues and myself was that of having some working arrangement for determining the nationality of tribes; and in regard to this we should have been satisfied with a composition, reserving in some suitable way the rights of Trans-Jordan in regard to disputed

tribes. As described in my telegram under reference, I understood from Fuad Bey that the question of Anglo-Saudi accompanying notes could be dealt with separately in a manner agreeable to me.

14. I do not know what produced the change in the Saudi attitude on the night of 3rd-4th May. They came to the first meeting on 4th May with a draft *communiqué* already prepared in anticipation of a suspension of the negotiations; and although they capitulated after a struggle over Article 3 of the Treaty of Friendship they obviously intended the suspension to take place none the less.

15. I enclose translations of the Arabic texts of the two agreements mentioned above, as collated early on 4th May. I have endeavoured to secure literal accuracy in these translations rather than attempt to reproduce the sense of the Arabic in English legal language. I would ask that they should not be regarded as final until Colonel Cox has had an opportunity of commenting on them. I enclose also a memorandum showing the relationship of the texts as they now stand to the 'Ammân drafts with brief explanations of the divergencies; and the draft note which I offered to write if Article 2 of the Treaty of Friendship were deleted. I gave a copy of this latter draft to the Saudi delegates on 4th May.

16. I will now deal with various side issues which arose during the conference in the following paragraphs.

17. *Nationality of Tribes.*—I enclose a translation of a draft letter prepared on our side in accordance with Captain Glubb's suggestions and communicated to the Saudi delegates on 3rd May. It followed the lines of a suggestion already approved by His Majesty's Government as regards the Sherarât but as regards the Beni 'Atiya we had evolved a new solution which seemed more voluble in practice and at the same time rather more likely to be acceptable to Ibn Saud. The memorandum was discussed on the afternoon of 4th May, when it was clear that there was to be no treaty and when the Saudi delegates felt free to stone-wall our proposals to their hearts' content. They asked that nationality should be established for all time. They made one surprising admission. They were prepared to give up the 'Atân to Trans-Jordan and to throw in Aûda as well, rather than give him the importance of being made an exception; but they claimed all the Sirhân, all the 'Imrân, all the Beni 'Atiya and all the Sherarât. A discussion on these lines could produce no definite result. It merely served as an exploration of a subject, which I shall have to pursue further, if you wish me to prepare the way diplomatically for the second stage of the conference. With this possibility in view, I obtained material for further discussions from Colonel Cox and Captain Glubb before they left.

18. *Other outstanding points in Fuad Bey's memorandum of 23rd April.*—It had been agreed at the outset to revert eventually

to Fuad Bey's memorandum if necessary, and see what points had not been covered. As the conference wore on I conceived the hope that it would not be necessary to go through all of these but I suggested to my colleagues, partly as a means of meeting Fuad Bey as far as possible and partly in order to dispose of certain minor matters which had arisen in discussion, that we should propose to attach to the Treaty of Friendship a schedule of provisional rules for the guidance of the special frontier officers. We never got further in the conference than agreeing not very definitely with the Saudi delegates that this might be useful. We, however, prepared on our side a set of possible rules, an English draft of which I enclose. Although time did not allow of my discussing the final form fully with Colonel Cox and Captain Glubb it will serve as a basis of future study.

19. The draft treaties and the documents described in the two preceding paragraphs cover most of the points in Fuad Bey's memorandum but not the whole of it. The most important left over is probably point (9) dealing with transit through Trans-Jordan, a subject which was discussed to some extent during the conference, both at meetings and in private conversation. The Saudi delegates tried hard to tie us up in an undertaking that Saudi officials passing between Syria and Saudi Arabia should be allowed to do so without obtaining the permission of the Trans-Jordan Government. We insisted that such journeys were governed by Article 12 of the Hadda Agreement adding that, if we were asked to consent to a special exemption for Saudi officials going to and from Syria, we could only do so on a basis of reciprocity and should ask that Trans-Jordanian officials should have a similar right of crossing Saudi territory in case of need, e.g., if the Amir 'Abdullah had occasion to send a messenger to the Imam of the Yemen. This suggestion rather dashed the enthusiasm of the Saudi delegates. As regards to merchants in transit we agreed to a clause in the new treaty affirming the continuance in force of Article 13. We made it clear, and I explained this more fully to Fuad Bey in conversation, that this merely preserved Article 13 of Hadda with whatever effects it might be held to produce, a subject as to which difficulty had arisen in the case of certain articles. We expressed readiness to discuss the whole subject of the application of the article at a convenient stage of the conference, but we never got back to it. In this connexion I threw out to Colonel Cox only that it might suit Trans-Jordan to have in due course a simple form of commercial agreement with Saudi Arabia, covering both trans-frontier trade and transit trade. We had no time to discuss this fully but I suggest that it should be further considered.

20. The question of Zukât, which is also raised in Fuad Bey's memorandum, point 16, was mentioned during the discussions but was not closely debated.

21. *Meetings of special officers.*—In the course of the discussions, the Saudi delegates mentioned that the Saudi Government contemplated altering their present arrangement under which a single officer, Abdul Aziz ibn Zeyd, acts as Captain Glubb's opposite number and to transfer the powers to certain governors, who, he eventually said, would be the governors of Tebûk and Qâf. This would affect the working arrangements for meetings, etc., under Article 7 of the Treaty of Friendship and the Saudi delegates proposed to define the arrangements in an annexed letter. This was agreed to in principle, but the draft was never produced. It might perhaps be possible to embody any proposed arrangements in the Schedule of Rules contemplated in paragraph 18 above.

22. *Burying of outstanding claims.*—It was agreed in correspondence with yourself and the High Commissioner that we might, if a treaty were being signed, propose a mutual cancellation of claims still outstanding in respect of raids since 1st August, 1930, subject to our not compromising the position in regard to the nationality of the 'Atun. These claims were adverted to in the course of earlier discussion but the time for proposing a general wash-out never arrived.

23. *Entry into Saudi Arabia of officers in the Imperial Service in Trans-Jordan.*—Fuad Bey asked that the British authorities should undertake to observe the same rules as that laid down for Trans-Jordan officers in Article 11 of the Treaty of Friendship. Colonel Cox and I were willing to write a letter outside the treaty texts giving this undertaking but we did not get to the point at which it would have been necessary to write the letter.

24. *Anglo-Saudi exchange of notes contemplated in paragraph 4 of my note to the Saudi Government of 11th January.*—This subject has become one of great importance, owing to the desirability of not doing anything unnecessarily wounding to the Amir 'Abdullah's susceptibilities. I need add nothing here, however, to what I said in my telegram under reference.

25. *Hashinite properties and the Amir's right to make the Pilgrimage.*—These subjects were, of course, outside the scope of the Conference as such, Taufiq Bey Abul-Huda did some useful work in connexion with them when in Mecca. As regards the Amir 'Abdullah's interest in the properties, I have described the present position in my telegram No. 7, Saving, of 5th May. As regards the Amir's right of pilgrimage, Taufiq Bey elicited from Ibn Saud a satisfactory message to the Amir. It was unnecessary for Colonel Cox or me to intervene in any way.

26. I regret that it should have proved impossible to obtain a final result, limited to the essentials indicated in paragraph 13 above, before the mission left. Nevertheless the progress made was considerable and, if we parted with some disappointment, there was no serious feeling of dissatisfaction on either side. I do not think that the Saudi Government have any intention of going back

on what has already been agreed to. I sincerely hope that His Majesty's Government and the Trans-Jordan Government will on their side be prepared to observe the same attitude in order to reduce the area of work still to be done and to discourage the Saudi Government from reopening settled questions.

27. Fuad Bey Hamza played a useful part in the conference. He was occasionally over-ready to take offence and I think that he influenced the King in favour of postponement, but in the main he was conciliatory. Sheykh Yusûf Yassîn oscillated between his natural tendency to intransigence and hair-splitting and a much more accommodating mood which on the whole prevailed. He probably reflected the King's personal attitude more faithfully than Fuad Bey. If His Majesty had only come to Jedda a day or two sooner the result might have been more satisfactory.

28. Colonel Cox and I worked in complete accord. Taufiq Bey followed our lead with admirable loyalty, although towards the end he became a little sensitive lest the views of the Amir on his relations with His Majesty's Government should be prejudiced. Captain Glubb's experience and knowledge were of the utmost assistance. I regard his contribution to the recent discussions as the fruit of his work on the frontier, the success of which has done much to create the favourable atmosphere in which it has of late been possible to approach a political settlement. You will allow me to conclude this report with a tribute to my Chancery staff on whom the work of the conference imposed a great extra strain. I would draw your particular attention to the meritorious work done by Mr. Oppenheim, as British Secretary, and by my chief interpreter, Ismail Effendi, who bore one of the heaviest burdens. Mr. Furlonge has superintended the final re-translation of the Treaty texts into English.

I have, &c.,

ANDREW RYAN.

List of Enclosures.

1. Diary of the mission's visit.
1(*a*). Principal documents evolved or contemplated during Conference.
2. Translation of Fuad Bey's memorandum of 23rd April.
3. Translation of draft Treaty of Friendship as collated early on 4th May.
4. Translation of draft Arbitration Protocol as collated early on 4th May.
5. Explanatory memorandum on 3 and 4.
6. Draft British note on Saudi representation in Trans-Jordan.
7. Translation of draft letter on nationality of tribes.
8. Translation of preliminary draft of Schedule of Rules for guidance of frontier officers.

Enclosure 1 *in No.* 1.

DIARY OF VISIT OF MISSION TO JEDDA. 22ND APRIL TO 5TH MAY, 1933.

22nd April—
- 2.30 p.m. Arrival of mission.
- 4.45 p.m. Tea at Legation, attended by Fuad Bey and mission, followed by private discussion as to arrangements.
- 8.0 p.m. Dinner by Saudi Government at Kandera, presided over by Fuad Bey.

23rd April—
- 10.0 a.m. First business meeting at Kharijia. Exposé of possible subjects of discussion by Fuad Bey.
- 4.0 p.m. Delegates called on Governor of Jedda.
- 6.30 p.m. Weekly reception at Legation, attended by mission.
- 8.0 p.m. Dinner by Governor of Jedda.

24th April—
- 10.0 a.m. Mission received by Amir Feysal.
- 11.0 a.m. Second meeting at Kharijia. General discussion of draft of Extradition Treaty.
- 8.0 p.m. Dinner by Amir Feysal.

25th April—
- 10.30 a.m. Third meeting at British Legation. First discussion of draft Treaty of Friendship and *Bon Voisinage*.
- 4.0 p.m. Fourth meeting at Kharijia. Further discussion of draft Treaty of Friendship, etc.
- 8.0 p.m. Dinner at Legation attended by Amir Feysal, Delegates, etc.

26th April—
- 11.0 a.m. Fifth meeting at Legation. Discussed draft Treaty of Friendship, etc.
- 4.0 p.m. Sixth meeting at Legation. Discussed draft Treaty of Friendship, etc.

Formal meetings adjourned until 29th April.

27th-28th April—

Private exchanges of views between British and Trans-Jordan delegates. Taufiq Bey left on 27th April for Mecca with Sheykh Yusuf Yassin and was received by King. Fuad Bey followed on to Mecca on 28th April after long private discussion with Sir Andrew Ryan.

29th April—
- 10.0 a.m. Seventh meeting at Legation. Discussed draft Treaty of Friendship.
- 4.0 p.m. Eighth meeting at Legation. Discussed draft Treaty of Friendship.
- 8.0 p.m. Dinner at 'Iraqi Legation attended on Saudi side only by Mahmoud Bey Saab.

30th April—
- Morning. Further private discussion including visit by Sir Andrew Ryan to Fuad Bey to discuss further Article 2 of Treaty of Friendship.
- 4.0 p.m. Ninth Meeting, at Legation, Discussed draft Treaty of Friendship.
- 6.30 p.m. Weekly reception at Legation attended by mission.

1st May—
- 10.0 a.m. Tenth meeting at Kharijia. Discussed draft Treaty of Friendship.
- 4.0 p.m. Eleventh meeting at Legation. Discussed Arbitration Protocol.
- 8.0 p.m. Dinner at Staff Residence.

2nd May—

10.0 a.m. Twelfth meeting at Legation. Discussed Extradition Treaty.

Afternoon. Private discussions including further conversations between Sir Andrew Ryan and Fuad Bey.

8.15 p.m. Small dinner at Legation attended by mission 'Iraqi and Egyptian Representatives, Mr. Philbyet.

3rd May—

9.30 a.m. Mission received by King, who had come early in morning to Jedda. Purely formal.

11.0 a.m. Thirteenth meeting at Legation. Discussed draft Treaty of Friendship.

4.0 p.m. Fourteenth meeting at Legation. Discussed draft Treaty of Friendship and Arbitration protocol.

4th May—

10.0 a.m. Limited meeting at Kharijia to revise and arrange Arabic texts agreed upon up to date.

11.0 a.m. Fifteenth meeting at Legation. Discussed Article 2 of draft Treaty of Friendship.

5.0 p.m. Sixteenth and last meeting at Legation. Final discussion of Article 2 of draft Treaty of Friendship, etc., the question of nationality of tribes. Formal speeches of farewell and thanks.

5th May—

Departure of mission for Suez.

Enclosure 1a *in No.* 1.

PRINCIPAL DOCUMENTS EVOLVED OR CONTEMPLATED DURING CONFERENCE.

(a) *Draft Treaties.*

1. Fuad Bey's memorandum in support of his oral statement of 23rd April.
2. Trans-Jordan draft of Extradition Treaty, communicated to Saudi delegates on 23rd April.
3. Trans-Jordan draft of Treaty of Friendship, etc., on 24th April.
4. Trans-Jordan draft of Arbitration Protocol, etc., on 24th April.
5. Draft Treaty of Friendship, etc., as revised on 4th May.
6. Draft Arbitration Protocol, as revised on 4th May.

(b) *Subsidiary documents reduced to writing.*

7. Draft of proposed British note regarding Saudi representation in Trans-Jordan, to be written in event of deletion of Article 2 of Treaty of Friendship.
8. Draft letter on nationality of tribes, handed to Saudi delegates on 4th May and discussed inconclusively that afternoon.
9. Draft schedule to Treaty of Friendship embodying provisional rules to be observed by special officers. Prepared but not communicated to Saudi delegates.

(c) *Documents contemplated but not reduced to draft form.*

10. Proposed Saudi letter on arrangements for meeting of special officers.
11. Proposed British letter undertaking not to claim privileges of crossing frontier for officials in Imperial service in Trans-Jordan greater than those contemplated for Trans-Jordan officers.
12. Anglo-Saudi exchange of notes.

Enclosure 2 *in No.* 1.

Translation.

MEMORANDUM CONCERNING POINTS TO BE SUBMITTED FOR DISCUSSION.

(1) *Frontiers.*

Firstly: The frontier line between Nejd and Trans-Jordan has been defined, but as regards that between the Hejaz and Trans-Jordan, no agreement has been completed. We have undertaken by the Treaty of Jedda to maintain the *status quo* until the termination of its period of validity.

Secondly: The frontier line has not been delimited on the spot, but is shown on the maps by longitudes and latitudes—as a result of this disputes have arisen regarding some of these places.

(2) *Co-operation on the Frontier.*—Article III of the Hadda Agreement indicated that the avoidance of misunderstanding and the strengthening of bonds of mutual friendship and full co-operation must be secured by the maintenance of constant communication between the British Representative at 'Amman and the Governor of the Wadi Sirhan. This matter of co-operation has been a question of dispute and argument between the two sides. A number of discussions have taken place as to how it may be effected in a manner which will secure the end desired, but no specific result has come of this except (1) that some telegraphic and written communication has recently taken place and that (2) frontier officials have been appointed from both sides to secure the purpose in view. It is therefore necessary adequately to explain and to reach agreement with the Trans-Jordan Delegation on:

(First) The scope of this co-operation.
(Second) The means of effecting it and putting it into force.

(3) *Established Rights of Tribes in both Countries.*—It will be of advantage to the interests of both sides and will avoid disagreement in respect of the interpretation of the object of Article 4 of the Hadda Agreement, if the established rights of the Trans-Jordan tribes in our territories and those of our tribes in Trans-Jordan are specified, whether these rights deal with grazing, settlement, or movements. It is also necessary to reach agreement as to the means whereby such rights should be exercised; and to make clear the conditions under which a certain tribe or individual members of it may be deprived permanently or temporarily of the enjoyment of those rights.

(4) *Questions of Nationality.*—The nationality of certain tribes has not yet been determined although both sides lay claim to them. For instance, the Atûn definitely form part of the Beni Atiya, who are our subjects. A number of communications have been made in which the British Government admitted that 'Aûda al-'Atna and his party were our subjects.

(5) *Tribunals in respect of Looted Property.*—In Article 6 of the Hadda Agreement was laid down the constitution and powers of a tribunal to deal with looted property. The two sides have tried more than once to get the tribunal held, but no definite result has been come to consequent on its formation for substantial reasons, of which the most important are the following:—

(1) Nothing was laid down as to the means by which the tribunal should be invited to meet and the matter was left for the two Governments to agree upon on each occasion, without mention of the period

during which it was necessary to respond to the invitation to hold it, after the application had been forwarded.

(2) Nothing was specified as to the method of verification of incidents and looted property.

(3) Nothing was specified as to the method of taking the evidence of witnesses so as to establish the various incidents, as regards either their occurrence, the identity of the criminals, or the quantity of property looted, etc.

If therefore the two Governments are of the opinion that this tribunal should remain as it is, it will be most necessary to draw up such conditions as will ensure its normal functioning and its ability to investigate the incidents submitted to it.

(6) *Permission to Emigrate.*—The terms of Article 7 of the Hadda Agreement have not yet been applied. It is therein stipulated that no tribe may cross from the territory of its own country into the territory of the other Government without having previously obtained permission from the two Governments for this. Article 8 lays down the measures which either Government would take in the event of a tribe migrating into its territories without the consent of the other Government. It is necessary to arrive at an agreement on:—

(1) the manner in which the permission of both Governments can be obtained;

(2) the reasons for which an application can be refused;

(3) the method to be followed in dealing with a tribe which has migrated without having obtained the consent of its Government.

It must be understood that this is applicable in the case of tribesmen migrating in groups, but as regards the movement of individuals, whether villagers or tribesmen, this must conform to the travel regulations in force in both countries.

(7) *Interference with Tribes.*—Something was stated in Articles 7 and 8 concerning communication with heads of tribes and the enticement of certain tribes to emigrate from one side to the other. It is therefore necessary now to reach agreement regarding:—

(1) the means by which a Government can communicate with a tribe subject to it, when that tribe is within the territory of the other country;

(2) the means by which a Government can communicate with a tribe not subject to it but which is found in its territories;

(3) enticement of tribes on the part of officials or individuals to leave their country or to rebel against it, etc.

(8) *Extradition of Criminals.*—The Hadda Agreement included no clause in respect of the extradition of criminals; what it laid down concerned the employment (by either Government) of all means except expulsion and the use of force to drive a tribe from its territories in the event of that tribe coming there without the consent of its own Government. As regards criminals, whether they be tribesmen or villagers, there is no special clause regarding them, and it is understood that the Extradition Treaty concluded between us and 'Iraq will be accepted as a basis of agreement.

(9) *Passage through Trans-Jordan.*—Some difficulties have arisen for our subjects which have prevented them from enjoying freedom to pass through Trans-Jordan during their journeys between Nejd and Syria or Nejd, Palestine, and Egypt, and the two Governments undertook by Articles 12 and 13 of the Hadda Agreement to notify each other of every regulation which

might be issued in respect of travel and movement; but this condition has not been carried out. The question of transit, either for commerce or for the migration of (its) subjects, is an essential and necessary one for Nejd.

(10) *The means to be adopted in the case of Raids and Robberies when no tribunal on the property looted is held.*—Various individual cases of raiding and robbery might occur which did not require the holding of a tribunal on the loot and the frontier officials might be authorized to settle them. It will therefore be necessary to specify the means to be adopted, in order to arrive at an agreement on the following questions:—

(1) With whom should communication be made?

(2) How can it be proved that the incident has actually occurred?

(3) How can the place in which the incident occurred be established and how can the person who committed the offence be proved guilty?

(4) How can it be proved how many (camels) were stolen, how many of them died, and which of them are "'Arâif"?

(11) "*Wisâqa*" (*Retaliatory confiscation*).—Will the two Governments agree to accept the principle of "Wisâqa" or not? What is the "Wisâqa" for individuals and what "Wisâqa" is to be undertaken by officials.

(12) "*Al 'Arâif*".—The manner of dealing with them if they are found with raiders on the two sides.

(13) *Evidence and Witnesses.*—It is necessary to draw up permanent rules for witnesses, their identification and the manner of receiving their evidence in order to establish the various incidents.

(14) *Blood Money.*—The question of blood money must be clearly agreed upon, because it has been the cause of much dispute. The adoption of the tribal system and tribal custom requires that the amounts to be paid should be estimated. The different varieties of blood money which should be agreed upon are:—

(1) Blood money in general.
(2) Blood money for a female.
(3) Blood money for a cousin (son of father's brother).
(4) Blood money for "al Bûq" (one under the charge of another).
(5) Blood money for the defender.
(6) Blood money for the aggressor.

(15) *Indemnities.*—In the event of a raid, or robbery, or the destruction, loss, or damage of the looted property, an agreement should be concluded upon the amount of indemnity to be paid. It will also be necessary to estimate the loss suffered by the victims and the manner of compensation.

(16) "*The Zakât*" (*Alms or Tax*).—There exists an explicit agreement regarding the right of each Government to collect Zakât from the subjects of the other Government if they be found within its territories, but it is necessary to come to an agreement upon:—

(1) how to collect Zakât from those subjects of the Government demanding it who have run away to evade payment;

(2) how to collect Zakât from the subjects of the other Government if they have run away before paying it.

(17) *The "Khidma" (commission on loot) that can rightfully be demanded.*—This has not yet been agreed upon between Glubb and Ibn Zeyd. It is therefore advantageous to confine it within specified limits or to agree upon its entire abolishment.

(18) *Agreement upon the Rules governing Hearings.*—We have already mentioned some of the points which should be (borne in mind) when incidents are being investigated. There are some other questions which are also worthy of consideration.

Enclosure 3 in No. 1.

DRAFT TREATY OF FRIENDSHIP AND BON VOISINAGE.

Text of 4th May, 1933.

Muharram 9, 1352.

Article 1.

Permanent peace and firm and inviolable friendship shall prevail between the Saudi Arab Kingdom and the Amara of Trans-Jordan.

The two High Contracting Parties shall undertake to do their utmost to preserve these and to settle in a spirit of peace and friendship all disputes and differences which may arise between them.

Article 2.

(Reserved on the part of the British Trans-Jordan Delegation.)

Article 3.

Each of the two High Contracting Parties undertakes to preserve good relations with the other party and shall endeavour by every means at his command to prevent the use of his country as a base for unlawful actions or preparations therefor, including raiding, which may be directed against the peace and tranquillity in the country of the other party.

If it appears to either of the two High Contracting Parties that the dispositions which he has taken may be insufficient to prevent the persons carrying on the unlawful activities referred to in the first paragraph from giving effect to them in the country of the other party, he shall be bound to notify that other party of them and of the measures which he has taken to stand in the way of their being carried on.

Article 4.

The two High Contracting Parties shall appoint special officials in the zones bordering on the frontier who shall be responsible for organizing general co-operation and for carrying out the measures necessary to ensure the application of the provisions of this Treaty. The two Governments shall be bound to notify each other of the names of the persons appointed for this purpose.

These officials or whoever represents them shall have the right to intercommunicate for the purpose of co-operation or in order to settle the questions which occur from time to time on the frontier or between the tribes. They shall be bound to exchange information immediately about any incidents occurring on the side of either one of them which may affect the maintenance of security on the other side.

Article 5.

Whenever the competent authorities appointed under Article 4 learn that preparations are being made in their territories by an armed person or armed persons with the intention of committing acts of robbery or plunder, or raiding, or any other such unlawful act of a nature to disturb the peace on the frontier between the two countries, those authorities must warn each other.

If it appears that the warning sent to the competent authority will not arrive in time for it to be possible to warn those who will be harmed by the attack, warning must be given in addition to the nearest officer, and in case it is impossible to reach him, to the tribes threatened. In cases of urgent necessity warning may be given by any official acting on behalf of the competent authority of the party in whose country the preparations are taking place.

Article 6.

If the competent authority of either of the two High Contracting Parties or any person acting on behalf of such authority, learns of the commission within his territories of any act of robbery or plunder or raiding or any other unlawful act of a nature to disturb the peace on the frontier between the two countries, he shall have the right to notify the competent authority of the other party of this and in cases of urgent necessity he shall inform the nearest official of that other party. The person so notified shall take the necessary dispositions for the purpose of returning forthwith all the objects stolen and plundered in their entirety from what is taken in the possession of the aggressors in case they enter the territory in which he is employed.

If the aggressors be Beduin subjects of the country which they have entered, the necessary measures shall be taken to prosecute them in that country. If they be Beduin subjects of a third party they shall be invited to leave the country which they have entered under threat of prosecution if they do not leave it. If they be Beduin subjects to the other party in whose territory the raid has occurred, then, after the return of the loot found in their possession as mentioned in paragraph 1, their arms shall be confiscated and handed over to their Government, and a quantity of their property sufficient to compensate for the losses and damage which they have occasioned as a result of their raid shall also be confiscated and handed over to their Government. They shall then be warned that they must return to their country of origin, and if they do not do so, shall be prevented from remaining on the frontier and shall be prosecuted for the crimes which they have committed. If, after that, their maintaining quiet and tranquillity is assured, they shall be allowed to remain far from the frontier; if not, they shall be expelled from the country in which they have taken refuge.

Article 7.

In order to carry out the provisions of this Treaty and to maintain good relations generally on the frontier between the two countries, the officials appointed in pursuance of the provisions of Article 4 of this Treaty shall meet once in each six months at least and at more frequent intervals in case of necessity to settle questions relating to the frontier zones and to the tribes settled in those zones.

Article 8.

All decisions taken in mutul agreement on the part of the officials appointed in accordance with Article 4 on questions which may arise on the frontier or between the tribes, shall be recorded in writing and signed by both officials (might equally be "all the officials") at the time of agreement and shall become immediately effective of action and executory.

Matters on which the officials are unable to agree shall be referred to the Governments of the two High Contracting Parties for solution by agreement between them. All decisions taken as a result of such agreement shall be executed by the competent authorities within three months of the date on which the final decision is taken.

The operation of Article 6 of the Hadda Agreement shall be annulled during the period of validity of this Treaty.

Article 9.

The tribes of the two parties which habitually resort to the two sides of the frontier for grazing or musâbala shall have the freedom to move about from place to place in the two countries, unless either of the two Governments should find it necessary to limit this freedom of movement for the betterment of public order or for reasons of economic necessity.

Nothing in this Article shall affect the maintenance of the established rights defined in Article 4 of the Hadda Agreement; similarly nothing in this Article shall disturb the enjoyment of the rights specified in Article 13 of the Hadda Agreement in any respect whatsoever or for any reason whatsoever.

Article 10.

Neither of the two High Contracting Parties shall be allowed to compel subjects of the other party to join any of his armed forces, either regular or irregular.

Neither of the two High Contracting Parties shall be allowed to permit the subjects of the other party to be employed in his armed forces as from the date of putting into force of this Treaty unless they have previously acquired the nationality of the party wishing to employ them and have notified their readiness to abandon their original ntionality if this is stipulated in the nationality regulations of their country of origin, with the knowledge that their original Government is free to carry out against them the measures defined in its laws whenever they enter its territories.

The names of persons naturalised and enlisted after the putting into force of this Treaty shall be notified by Diplomatic means to the Government of their country of origin.

Article 11.

Each of the two High Contracting Parties undertakes to prevent any of his officials from crossing the frontier between the two countries without the permission of the other party for any reason whatsoever and by any means whatsoever, except for the crossing of frontier officials and messengers for the purpose of maintaining the co-operation defined in Articles 4, 5, 6 and 7 of this Treaty.

Article 12.

Subject to observance of the provisions adduced in the Hadda Agreement regarding the movement of tribes, pilgrims and merchants, the two High Contracting Parties mutually undertake to refuse sanction to foreigners residing in their countries or proceeding from them, or to subjects of the two High Contracting Parties, to cross the frontier of the country of the other party for the purpose of travel, exploration, hunting, or anything else, without having obtained previous permission from the competent authority of the party concerned, and shall discourage their intention of doing so. They shall not be responsible for the safety of these persons if they enter without previous permission.

Article 13.

All differences which may occur between the two High Contracting Parties regarding the interpretation or execution of the provisions of this Treaty or of those of any of the other agreements which concern the relations between the two countries, shall be, by agreement between them, referred to arbitration, which shall be conducted according to the Protocol appended to this Treaty.

Article 14.

This Treaty has been drawn up in duplicate in the Arabic language. The two High Contracting Parties shall be bound to ratify it and to

exchange instruments of ratification as soon as possible, and it shall become effective as from the date of exchange of the instruments of ratification. It shall be valid for a period of five years from that date. If neither of the two High Contracting Parties gives notice to the other party six months before the expiry of the five years that he wishes to terminate the Treaty, it shall remain in force and shall not be deemed to have terminated until after six months from the day on which one of the two parties shall have given notice of termination to the other party.

Enclosure 4 in No. 1.

DRAFT ARBITRATION PROTOCOL.

Text of 4th May, 1933.

Huharram 9, 1352.

Article 1.

The arbitration shall be conducted by means of two arbitrators of whom each of the High Contracting Parties shall select one, under the presidency of a third person to be appointed in the manner set forth in Article 3 of this Protocol.

Article 2.

If the two High Contracting Parties have agreed to refer any difference whatsoever to arbitration in accordance with the provisions of Article 14 of the Treaty of Friendship and *Bon Voisinage* signed this day, they shall be bound to draw up a joint memorandum on the matters which it is wished to settle by arbitration. A President of the Board of Arbitration shall then be appointed in accordance with Article 3 of this Protocol; a copy of the joint memorandum on the matters which it is wished to settle by arbitration shall be forwarded to him, and each party shall be bound to forward to him within a period of not more than one month from the time of his nomination, a memorandum on the arguments in support of his case. Either of the two High Contracting Parties shall have the right to forward to the President any other memorandum concerning its case at any time within a period of three months from his nomination. Each party shall be bound to forward to the other party any documents which it may forward to the President.

Article 3.

The President of the Arbitration Board shall be appointed by agreement between the two parties within two months of the date on which it is agreed to refer the case to arbitration.

Article 4.

The President of the Arbitration Board shall summon the board to meet at a place which he shall select after consultation with the two High Contracting Parties and on a date which he shall appoint after similar consultation, provided that the period elapsing between his nomination and that date shall be not less than three months and not more than six months. The Arbitration Board shall give its decision within three months of the above-mentioned date.

Article 5.

The Arbitration Board shall be free to decide the procedure to be followed, and the two High Contracting Parties shall undertake to afford it all possible facilities and assistance which it may demand for the performance of its mission.

Article 6.

Each of the two High Contracting Parties shall have (? omitted " the right ") to appoint one or more persons to expound his point of view on the questions in dispute before the Board of Arbitration.

Article 7.

The two High Contracting Parties shall undertake definitely to accept and to carry out the decisions which the arbitrators may issue on the questions referred to them. The arbitrators may, if the matter necessitates it, take a majority decision.

Article 8.

Each of the two Governments shall pay the salaries and expenses of the arbitrator appointed by it and one-half of the salary and expenses of the President and clerks and such others as the arbitrators may need to assist them.

Article 9.

This Protocol shall come into force as from the date of exchange of two copies of it ratified by the two High Contracting Parties. It shall remain in force during the validity of the Treaty of Friendship and *Bon Voisinage* concluded on this date between them. The two High Contracting Parties shall be bound to extend its validity until the delivery of judgment in any cases which may have been submitted to arbitration under it before the end of the validity of that Treaty.

Enclosure 5 in No. 1.

MEMORANDUM ON DRAFT AGREEMENTS AS COLLATED ON 4TH MAY, 1933.

N.B.—This memorandum has been drawn up very hurriedly to avoid delay. I hope that I have avoided inaccuracy but I have confined myself to salient points. The cross-references " 'Ammân — " refer to the drafts prepared in 'Ammân in February, which, though subsequently modified somewhat, were the main basis, except as regards part of the Arbitration Protocol, of the draft submitted by us to the Saudi delegates.

TREATY OF FRIENDSHIP AND BON VOISINAGE.

Preamble.—Not discussed in the conference. The suggestion that, if the treaty were between Saudi Arabia and Trans-Jordan only, Ibn Saud should have precedence in all texts was made in private discussion between Fuad Bey and me. I resisted it strenuously and Fuad Bey finally told me in the same private manner that it would not be insisted upon.

Article 1 ('Ammân 1).—No difficulty arose except for an academic doubt as to whether the word " permanent " was appropriate in a treaty of limited duration.

Article 2 ('Ammân 2).—Gave rise to great difficulty owing to the insistence of the Saudi delegates on wholly unacceptable suggestions. It was agreed on 4th May, after the collated draft had been made, to delete the article, on the understanding that the question of Saudi representation in Trans-Jordan would be dealt within a diplomatic note to be addressed by me to the Saudi Government.

Article 3 ('Ammân 3).—Paragraph 2 replaces an addition proposed by the Saudi delegates, who wished to provide for notification to the other party in all cases. Colonel Cox thought that it would be dangerous to contract so wide an obligation. His Majesty's Government finally endorsed

the High Commissioner's view that it would make for friendly feeling to accept the addition without qualification, but before we received their latest instructions we had secured acceptance of the clause as it now stands.

Article 4 ('Ammâm 8).—The displacement of this and other articles was effected in deference to Fuad Bey's view that this would produce a more systematic arrangement. Various minor alterations were agreed upon, notably that extending the right of inter-communication to persons acting on behalf of the special officers.

Article 5 ('Ammân 4).—The present text was the result of close discussion on points of detail, especially in regard to the action to be taken in cases of urgency.

Article 6 ('Ammân 5).—The present text was the result of close and prolonged discussion. It may require a slight drafting amendment to remove a possible ambiguity due to the position in the Arabic text of the words rendered " within his territories ". As regards the substance, paragraph 1 aims at establishing the principle that loot seized in the possession of raiders bringing it across the frontier should be returned at once and in full, leaving the question of trial and punishment to be dealt with in due course. Paragraph 2 deals, as regards the nature of the subsequent action, with three categories of raiders. Although the text of the article as a whole is open to criticism from the standpoint of European legal conceptions, it provides a system which should answer the practical conditions on the frontier. The mode of dealing with aggressors subject to the country in which the raid was committed was proposed as a means of getting away from extradition. The provision regarding subjects of third parties is intended to obviate practical difficulties which might arise, if Trans-Jordan undertook to turn back Syrian or 'Iraqi subjects into Saudi Arabia. The Saudi delegates did not finally accept the word " Beduin ", which is necessary for reasons of Trans-Jordan law under which the Beduin Control Board can try any Beduins, but not others, for offences wheresoever committed. They were, however, prepared to let it stand subject to suitable provision being made elsewhere, e.g., in rules for the guidance of the special officers that persons taking part in a Beduin raid should be presumed to be Beduin. It was pointed out that this presumption would need some qualification, but the form of words to be used were not finally settled. See 7 in the preliminary draft Schedule of Rules for special officers, showing how we on our side thought the matter might be dealt with.

Article 7 ('Ammân 9) presented no difficulty in principle, but the Saudi delegates explained that their Government intended to confer the duties of special officers on two Governors in place of the present Inspector of Beduin (Ibn Royd) and expressed a wish to define in a letter the arrangements for meetings. This was agreed to in principle, but the letter was not drafted.

Article 8 ('Ammân 10) was the subject of much discussion, but in its final form it calls for little comment. We made it clear on our side that although we did not insist on an express mention of arbitral decisions in paragraph 2, we regarded it as covering any decisions which might be arrived at in diplomatic discussion or as the result of any arbitration necessitated by the failure of such discussion. We pressed for paragraph 3 in order to remove any possible doubt regarding the already implied suppression of Article 6 of Hadda.

Article 9 ('Ammân 6).—We felt on our side that this article did not hang together very well, but we preferred to overlook minor discrepancies. In agreeing to the cross-reference to Article 13 of Hadda, we explained that we regarded it merely as an affirmation of the validity of that article, without prejudice to the many doubtful points in regard to its interpretation, which we expressed readiness to discuss at another stage, if necessary.

Article 10 ('Ammân 7).—" Armed " was substituted for " military " in paragraph 1 in order to give the clause its proper extension. We deleted the words " in order to aid in the suppression of rebellion ", &c., as being an irrational qualification of a restriction obviously intended to be general. Paragraphs 2 and 3 are a compromise evolved to counter an insistent Saudi proposal to debar either side from enlisting subjects of the other. We contested hotly this attempt to alter the whole purpose of the original article. We ourselves suggested, with some hesitation and only for the sake of agreement the solution embodied in paragraphs 2 and 3. As they now stand they differ only very slightly from a draft prepared by us to meet the Saudi delegates as far as possible.

Article 11 ('Ammân 11) presented little difficulty. We contested an attempt to impart into it a provision that Saudi officers might cross Trans-Jordan without permission on their way to and from Syria, and maintained that this subject, if discussed, must be discussed separately. Colonel Cox and I agreed to write a letter making the principle of the article applicable to officers in British service in Trans-Jordan.

Article 12 ('Ammân 12).—The words " refuse sanction " emerged after much discussion of the Saudi contention that travellers should be *prevented* from crossing the frontier. We were ready to agree to anything in reason, but we pointed out that an undertaking to prevent all travellers from proceeding could not be carried out in practice and was open to other objections of a legal nature.

'Ammân 13 was omitted altogether, as being non-essential, in view of the difficulty of agreeing on a text.

Article 13 ('Ammân 14).—See the covering despatch as regards the circumstances in which this article was given its present form. Although the intention is clear, I consider the final drafting of the article defective as it omits a phrase which I understood to have been retained, viz., " (differences) . . . . which it has not been possible to settle by diplomatic means." I should like to suggest the inclusion of these words, as a correction of what I believe to have been an accidental omission, in the ultimate text.

Article 14 ('Ammân 15 and 16).—'Ammân 16 was found to be in part repetitive after 'Ammân 15 had been recast in the form directed by His Majesty's Government. Eventually the two 'Ammân articles were merged in the present text which combines the still essential part of 'Ammân 16 with an adaptation of Article 8 of the Treaty of Jedda on the lines authorized in the telegraphic correspondence.

ARBITRATION PROTOCOL.

Preamble.—Not discussed. See above as regard preamble to Treaty of Friendship, &c.

Article 1 ('Ammân 1).—Presented no difficulty.

Articles 2 *to* 4 replace 'Ammân 2 to 5. The covering despatch explains the circumstances in which the principle of arbitration by special agreement on each occasion was substituted for that of arbitration at the option of either party; and in which an intervening proposal to provide for the appointment of a President by a third power in the event of non-agreement between the parties was discarded. The three articles provide for a sequence of proceedings on lines suggested by the British delegates. There is an error of drafting or collation to be corrected in the last sentence of Article 2 which was intended to provide for mutual communication of *duplicates* of documents forwarded to the President.

Article 5 ('Ammân 6).—" Possible " was inserted at the request of the Saudi delegates and was accepted by us as being reasonable in itself. It

can hardly increase materially the danger of such a refusal of facilities as occurred when Mr. MacDonnell was denied access to Nejd. Whatever the wording dangers of this kind must be anticipated, if there is not good will on the Saudi side.

Article 6 ('Ammân 7).—The Arabic text needs the addition of " the right " or some equivalent to make it coherent.

Article 7 ('Ammân 8) presents no difficulty.

Article 8 ('Ammân 9).—The Saudi delegates suggested at first that the losing side should pay the salary of the President, &c. They withdrew this suggestion, which presented obvious difficulty, when it was decided to adopt the principle of arbitration by special agreement.

Article 9 ('Ammân 10).—The Saudi delegates were a little sticky about the clause for prolongation of validity to enable pending cases to be disposed of but the collated text to which they agreed seems to provide for this adequately. In any case the matter is of small importance, once it has been established that each arbitration must be preceded by special agreement.

ANDREW RYAN.

Jedda.

8th May, 1933.

Enclosure 6 in No. 1.

DRAFT BRITISH NOTE ON SAUDI REPRESENTATION IN TRANS-JORDAN.

Your Royal Highness,

After Compliments,

In the course of the negotiations leading up to the conclusion of the Treaty of Friendship and *Bon Voisinage* signed to-day by the representatives of His Majesty the King of Saudi Arabia and His Highness the Amir of Trans-Jordan, it was agreed to reserve the considerations of Article 2 of the draft Treaty proposed for discussion on 24th April as being a matter intimately connected with the relations between His Majesty's Government in the United Kingdom and the Government of Saudi Arabia.

In view of the difficulties which have attended every attempt to reconcile the divergence of views relative to this Article, my Government authorized me, with the concurrence of His Highness the Amir of Trans-Jordan, to propose that it should be deleted from the Treaty and to embody in a diplomatic note to Your Royal Highness the following understanding, namely,

(*a*) That the diplomatic representation of the interests of Saudi Arabia in Trans-Jordan shall be exercised by the diplomatic representation of the former country in the United Kingdom; and

(*b*) That the consular interests of Saudi Arabia in Trans-Jordan shall be exercised by a consul, whom the Government of Saudi Arabia shall have the right to appoint at 'Ammân on the understanding that, if such a consul is appointed, the Government of Trans-Jordan shall have the right to appoint a consul at Jedda.

Having assured myself that this solution is agreeable to the Government of Saudi Arabia, I have the honour to address this note to Your Royal Highness with a request that you may confirm it in your reply to me.

With highest respects,

* * * *

Enclosure 7 in No. 1.

DRAFT LETTER REGARDING NATIONALITY OF TRIBES.

The discussion relative to the treaties signed to-day between His Highness the Amir of the Amâra of Trans-Jordan and His Majesty the King of the Kingdom of Saudi Arabia have revealed the necessity for an understanding as to how the nationality of tribes frequenting the country on both sides of the frontier between Trans-Jordan and Saudi Arabia shall be determined.

In view of the difficulty of arriving at a definite settlement of this question at the present time, the negotiators have agreed that the following provisional rules should be observed for a period of three years from the date of the exchange of ratifications of the treaties signed to-day, on the understanding that six months before the expiration of that period and independently of any other arrangements for the continuance in force or otherwise of the treaties, the High Contracting Parties will proceed to an exchange of views as to whether the provisional arrangement should be maintained for a further period or whether any modification is necessary:—

(*a*) The following tribes and their sections shall be regarded as being of Trans-Jordan nationality, without prejudice to any alteration in their juridical status which might result from a final settlement of the question of sovereignty over the Ma'an-Aqaba area:—

Huweytât ash-Shimâl (Ibn Jâzi) including the 'Atûn but excluding 'Aûda al 'Atna and his immediate relatives, i.e., sons, brothers, and nephews.
Beni Sakhr.
Sirhân.
'Isa.
The following sections of the 'Imrân viz., Humaidât, Rubai 'yin and Debûr.

(*b*) The following tribes and their sections shall be regarded as being of Saudi Arab nationality:

Huweytât at-Tihâma.
Billi.
Juhaina.
Shammar of Nejd.
Imrân with the exception of the three sections named above.
All other tribes whose Diras lie to the south of these.

(*c*) Any member of the Sherarat concerned in an incident which makes it necessary to determine his nationality shall be deemed to be of the nationality of the country in which he and his family were encamped at the time of the incident or immediately previous to it in the case of a rapid continuous movement from one territory to the other, e.g., a raid.

(*d*) The Beni 'Atiya shall be regarded as being of Saudi nationality in the case of those who entered Saudi Arabia in the last three months of the year 1932 and any others not included in a nominal list of those permanently established in Trans-Jordan, which list will be forwarded to the Saudi Government within two months of the date of this letter.

(*e*) Any dispute as to the application of these rules shall be discussed in the first instance between the special officers appointed under Article 3 (*a*) of the Treaty of Friendship and *Bon Voisinage* signed to-day. In the event of their failing to agree the dispute will be dealt with in the manner provided in Article 5 (*c*) of the Treaty of Friendship and *Bon Voisinage* signed to-day.

I have the honour to request that Your Royal Highness will confirm the acceptance by your Government of the provisional arrangement set forth above, which I accept on behalf of the Government of Trans-Jordan.

Enclosure 8 in No. 1.

PROPOSED SCHEDULES TO TREATY OF FRIENDSHIP, &c.

Note by Sir Andrew Ryan.

After drafting the covering despatch I found that no copy of the English original of this paper had been retained in the Legation. It has therefore been re-constructed from an Arabic translation, which had been prepared for use in case of need. Both the English and Arabic versions were prepared under great pressure and are not in final form. "A" is the draft of an Article which would have had to be fitted into the Treaty. "B" is an attempt at the actual Schedule, beginning with a provision for the certification of returned loot and ending with suggested rules on the lines indicated in my comments on Article 6 of the Treaty. A form of certificate of return of loot, rather different from that incorporated in the Schedule, was proposed to the Saudi delegates on 1st May but was not discussed. Nor was there any discussion of the Rules proposed at 2 to 6 herein.

"A"

The special officials appointed in pursuance of Article . . . in dealing with questions which enter into their sphere or jurisdiction, in accordance with the law and custom prevailing in the frontier zone, must observe the general rules specified in the schedule appended to the Treaty and must apply the rules as far as possible for a period of one year from the date of the putting into force of the Treaty. After the expiry of this period, the officials may at any time, if the matter necessitates it during the subsequent intervals, submit to the two High Contracting Parties such modifications of the rules as they may think advisable, and on the two High Contracting Parties receiving these reports they shall exchange views as to whether the matter does or does not necessitate that modification.

"B"

Schedule.

1. *Certificates in respect of return of loot.*—In all cases of return of loot in pursuance of the provisions of the Treaty of Friendship and *Bon Voisinage*, for the purpose of its being handed over to its owner, it shall be incumbent on the special official appointed in accordance with Article . . . of the above-mentioned Treaty to give to the person who shall receive the loot an official certificate, signed, and sealed, in the following form:—

Certificate.

(*a*) The property and live stock now returned in accordance with what we have made out as a result of our inquiries is the total loot taken by the raiders in the incident which took place at on between members of the tribe and the tribe with the exception of the following:

the recovery of which has not been possible up to the present.

(*b*) The property and live stock now returned is all that we have recovered from the raiders to date in full in place of the objects which we certify could not be obtained themselves owing to their loss, namely:

We forward the following:

which we certify to be of equal value to the objects lost which we have been unable to recover. All possible efforts will be made to recover from the raiders any other loot which they may have taken, and this will be returned to you on recovery accompanied by another certificate.

2. "*Wisaqa*" (*Retaliatory Confiscation*).—Whenever it appears to one of the special officials on the two sides of the frontier that complete justice can only be obtained by detaining property and live stock in order to ensure the return of property looted on the other side of the frontier, he shall be authorized to seize that property, provided that he is prepared to discuss with the special official of the other party on his demand the best means to be adopted in dealing with the question.

3. "*Arâif*".—The seizure of live stock found in the possession of subjects of one of the two sides by officials of the other side on the ground that they are alleged to be "arâif" shall only be allowed when such live stock forms part of the loot in a raid which has not been certified by the official responsible as having been returned in full. In such cases, the live stock may be seized, subject to the making of a final agreement on this between the two parties.

4. *Dia* (*Blood Money*).—If a Beduin subject of one of the two parties kill a Beduin subject of the other party, dia shall be paid, except that the relatives of a person killed participating in a premeditated aggression, such as a raid, shall not be entitled to claim dia from the members of the opposing tribe. Dia shall be calculated according to tribal custom but shall be not less than seven camels.

5. *Compensation for Losses*.—Persons who commit acts of premeditated aggression such as raiding and assault must compensate for all losses which the persons attacked may incur as a result of the aggression, e.g., live stock killed in fight, or live stock which are stolen and die or are lost while in the possession of the robbers. The special officials appointed in pursuance of Article of the Treaty of Friendship and *Bon Voisinage* and responsible for recovering and returning loot shall be bound to recover from the possessions of the robbers objects the value of which equals (that of) the losses and to hand it over with the loot in pursuance of the part of paragraph 1 of the schedule. It shall be possible for the official of the country whose subjects are the victims to obtain any evidence he wishes of the losses and to forward it to the official of the other party who recovers the loot.

6. *Khidma*.—When returning property or live stock, nothing must be deducted in respect of *Khidma* or rewards or herdsmans' wages or expenses. If the party recovering the loot has incurred such expenditure, he is at liberty to collect it from the property of the aggressors. The reward of the person who finds lost camels and keeps them until they are asked for by their owner shall be at the rate of £1 gold for every five camels, provided that the finder has reported what he has found at the time of the occurrence and has not tried to conceal it.

7. *Definition of "Beduin"*.—For the purpose of applying the provisions of the Treaty of Friendship and *Bon Voisinage*, every person caught participating in a Beduin raid shall be deemed a Beduin of the nomad tribes unless he prove the contrary before the competent tribunal.

17776/2/33 [No. 114].

No. 2.

Despatch from the British Resident, Ammân, to the Acting High Commissioner, Trans-Jordan.

(*Copy received in the Colonial Office 5th June*, 1933.)

19*th May*, 1933.

(Secret.)

YOUR EXCELLENCY,

I have the honour to report that the Mission from Trans-Jordan, consisting of

(1) The British Resident (Lieutenant-Colonel C. H. F. Cox, C.M.G., D.S.O.) to represent, with His Majesty's Minister at Jedda, His Majesty's Government in the United Kingdom.

(2) The Chief Secretary of the Government of Trans-Jordan (Tewfik Bey Aboul Houda) to represent that Government.

(3) The Officer Commanding the Desert Patrol (Captain J. B. Glubb, O.B.E., M.C.) to act as expert,

arrived in Jedda on the afternoon of the 22nd April and were met by His Majesty's Minister Sir Andrew Ryan, K.B.E., C.M.G., the Deputy Minister for Foreign Affairs of the Saudi Government (Fuad Bey Hamza), the Amir of Jedda and other notables.

The members of the Mission and Mrs. Cox were accommodated as the guests of the Saudi Government in a house at Kandara outside the walls of Jedda, and a car was placed at their disposal during the whole period of their stay.

A preliminary and informal meeting was held in the British Legation with Fuad Bey Hamza the same afternoon and it was agreed that the following morning Fuad Bey should set out the points which he considered needed discussion.

During their stay in the Hedjaz members of the Mission were shown great hospitality, though it was perhaps surprising that they were not invited to dine with the King since His Majesty was in Jedda for more than 24 hours.

The members of the Mission were formally received by the Amir Feysal on the 24th April and by the King on the 3rd May, they were the guests at dinner of the Saudi Government on the 22nd, of the Amir of Jedda on the 23rd, of the Amir Feysal on the 24th, of Sir Andrew Ryan and Lady Ryan on the 25th April and 2nd of May, of the 'Iraqi Chargé d'Affaires on the 29th, and of the British Legation Staff on the 1st of May, and attended the

weekly reception at the British Legation on the 23rd and 30th April.

Formal minutes of the proceedings at the sixteen meetings, which were held, were not kept, but notes were taken and a *résumé* of the discussions and an account of the work done at each of these meetings are attached hereto.

The proceedings were carried on in an atmosphere which, on the whole, was very friendly though Sheikh Yusef Yassin in dealing with Frontier affairs on more than one occasion spoke in a manner which was far from correct.

The drafts of the Treaties of Extradition and of Friendship and the draft of the Arbitration Protocol, which had been prepared in Trans-Jordan, were carefully overhauled and improved in consultation with Sir Andrew Ryan, and it was he who most ably shouldered practically the whole burden of expounding and advocating the Trans-Jordan case.

In addition to the formal meetings Sir Andrew Ryan had a number of private conversations with Fuad Bey Hamza which went far to smooth out difficulties which had arisen during the formal meetings. A summary record of the points discussed at the private meeting of the 28th April is attached as Appendix " Z ".

The views of the Trans-Jordan and Saudi Governments on the subject of Extradition were so far apart that it was agreed to abandon any attempt to conclude a formal Extradition Treaty but to modify the provision in the Treaty of Friendship which would go as far as possible to meet the wishes of either side.

Article 5 of the agreed draft Treaty of Friendship,* of which a translation appears at Appendix " I," shows the agreement reached, but the inclusion of this Article and of Article 9 in their present form in the final draft of the Treaty must depend on a satisfactory solution of the difficulty in regard to the nationality of tribes.

An outline of the Trans-Jordan proposals in regard to the nationality of tribes† was given by Sir Andrew Ryan to Fuad Bey Hamza at their private meeting on the 28th April (Appendix " Z "), but the matter was not officially discussed till the final (sixteenth) meeting.

It was perhaps illogical to seek and reach agreement on matters depending on the nationality of individuals before reaching agreement on the question of nationality. The Trans-Jordan claims, however, were so very moderate that objection to them was not anticipated except in the case of the Atoon, but it was in the case of this tribe that the Saudi delegates, surprisingly enough, renounced all claim.

The Trans-Jordan claim cannot be further reduced except, perhaps, after more detailed inquiry, in the case of the Umran.

* Enclosure 3 in No. 1. † Enclosure 7 in No. 1.

The question of tribal nationality appears to be the most important of those outstanding and, unless Sir Andrew Ryan, who has been put in possession of the Trans-Jordan arguments and points of view, can persuade the Saudi Government to retreat from its present entirely unreasonable attitude, the only possible method of procedure would appear to be to revise the Treaty so that there should be no reference therein to the nationality of tribesmen. This, of course, would be much less satisfactory than to reach an agreement in regard to nationality.

Before the Mission left Jedda a draft letter and schedule*, giving the Trans-Jordan point of view on a number of the points which were included in the memorandum† of matters for settlement laid before the delegates by Fuad Bey at the opening meeting (Appendix " A "), was left with Sir Andrew Ryan who had assisted in its preparation. A copy of this schedule is attached marked Appendix " Y." Sir Andrew Ryan hopes, in conversation and diplomatic correspondence with Fuad Bey, to reach agreement with the Saudi Government on the matters dealt with therein before the delegates meet again in Jerusalem. The schedule also contains the form of certificate to be signed on returning loot, and a statement regarding Beduin to cover cases envisaged by the Saudi delegates where a party of raiding Beduin (vide Article 5 of the Treaty of Friendship) might have with them a villager, both these matters were dealt with during the discussions on the Treaty of Friendship.

Of the other points mentioned in Fuad Bey's memorandum, the following only remain :—

Article 13 of the Hadda Agreement.—Fuad Bey mentioned the case of a seizure of arms from a Saudi subject. Should he return to this question Fuad Bey must be informed that as regards goods in transit between Syria and Saudi Arabia, the entry of which into Trans-Jordan is prohibited, the Trans-Jordan Government are entitled to take whatever measures may be necessary to ensure that such goods do not remain in Trans-Jordan, provided that if for any reason it could be proved that they were not merchandise in *bona fide* transit to Saudi Arabia, the Trans-Jordan Government would refuse to afford them transit through their country.

As regards arms and ammunition, the Hadda Agreement cannot be regarded as overriding legitimate regulations to check *irregular* traffic in these articles which cannot properly be held to be merchandise within the meaning of Article 13, and in the circumstances the Trans-Jordan Government are entitled to place restrictions upon the transit of arms and ammunition.

The transit of a quantity of arms and ammunition consigned to the Saudi Government would not, I imagine, come under the

* Enclosure 8 in No. 1. † Enclosure 2 in No. 1.

heading of irregular traffic and I beg that I may be informed, as early as possible, whether such consignments should be allowed to pass freely and whether Fuad Bey may be so informed.

Zakat.—Fuad Bey intends, I believe, to request that the Trans-Jordan Government should collect for the Saudi Government the Zakat which the latter Government deems to be due from a tribesman who has left Saudi Arabia without paying. No such request could be agreed to and I would propose to put forward a counter proposal as follows :—

Tribes enjoying the established rights, referred to in Article 4 of the Hadda Agreement, shall not be required to pay any tax which is levied by the Government whose territory they have entered for the purpose of grazing and watering their flocks, unless and until they have passed three months of any particular season in that territory.

Interference with Tribes.—The only possible answer to Fuad Bey's question is that a Government may only communicate with a tribe subject to it when the tribe is in the territory of another country through the Government of that other country, but that when a tribe subject to another country is in a Government's territory that Government has full liberty to communicate with it as it deems best.

Further to the above the only matters remaining outstanding are the following :—

(1) Form of British note regarding Saudi representation in Trans-Jordan following on the omission of the original Article 2 of the Treaty of Friendship.

(2) Proposed Saudi letter on the arrangements for the meeting of the special officers appointed under Article 3.

(3) Form of British letter undertaking not to claim privileges of crossing the frontier for officials in Imperial service in Trans-Jordan greater than those contemplated for Trans-Jordan officers.

(4) Anglo-Saudi exchange of notes.

It was disappointing that the Treaty was not signed before the Mission left and it is believed that this might have been done without difficulty had the King come to Jedda earlier than he did; it is felt, however, that a very good foundation has been laid and that not a great amount remains to be completed.

It is, I think, most desirable that Sir Andrew Ryan should be present when the negotiations are resumed at Jerusalem.

After the final meeting on the afternoon of the 4th May, Fuad Bey Hamza took Colonel Cox aside and informed him that the King wished to make a present to each member of the Mission from Trans-Jordan and that he would cause these presents to be

sent to us the following morning. I saw no alternative to acceptance and expressed my gratitude for His Majesty's graciousness.

The following morning Mahmoud Bey, who had acted throughout as Secretary to the Saudi delegates, arrived and presented each of us with an Arab cloak, head dress and dagger, and a watch; to Mrs. Cox the King sent a pearl necklace, and to Captain Glubb's servant a present was made of a cloak and head dress and five pounds.

After lunching with Sir Andrew Ryan the Mission left on the 5th May, having bidden farewell on the quay to Fuad Bey Hamza, Sheikh Yusef Yassin, the Amir of Jedda, and the 'Iraqi Chargé d'Affaires who had assembled to see them off.

The Mission were accompanied to the ship by Sir Andrew and Lady Ryan and the senior members of his Staff.

On arrival at Suez the telegrams,* of which copies are attached as Appendices "W" and "X," were despatched, and after the Mission's return to Ammân the telegrams, of which copies are attached as Appendix "V,"* were sent by His Highness the Amir Abdullah and received from His Majesty King Abdul Aziz.

It is requested that a copy of this report and its attachments may be forwarded to His Majesty's Minister at Jedda.

I have, &c.,

C. H. F. COX,

BRITISH RESIDENT.

Enclosure 1 in No. 2.

FIRST MEETING.

AT KHARIJIA, 10 A.M., 23RD APRIL, 1933.

Present:—

FUAD BEY HAMZA and SHEIKH YUSEF YASSIN (Delegates).

MAHMOUD BEY SAAB and MOHAMED BEY SHEYKHU (Secretaries).

SIR ANDREW RYAN, COLONEL COX, TAUFIQ BEY ABOUL HOUDA, and CAPTAIN GLUBB.

ISMAIL EFFENDI (Interpreter).

Fuad Bey spoke from a memorandum,† copies of which he placed at the disposal of the delegates opposite.

A translation is attached marked Appendix "A".

The oral statement was in the nature of an exposition without any final assertion of views on the points mentioned in the memorandum, with certain amplifications, e.g., Fuad Bey named Hazim, Hadraj, and Mudawara as being doubtful points on the frontier.

Sir Andrew Ryan interrupted Fuad Bey's statement at two points. When Fuad Bey referred to the nationality of the Atoon as a matter in dispute, he suggested that the Saudi Government had on record an admission that

* Not printed.

† Enclosure 2 in No. 1.

the Atoon were Saudi subjects. Sir Andrew Ryan drew attention to the fact that so far as he was aware the admission related only to a particular person, Auda al Atna. On Sheikh Yusef Yassin proceeding to argue the matter Sir Andrew Ryan observed that he was merely concerned at the moment to make a statement of fact. He expressed readiness to consider anything further to the record in the British minutes of the 7th meeting with Sir Gilbert Clayton in May, 1925. In any case he recognised that the nationality of the Atoon, the Trans-Jordanian claim to whom was strongly upheld by His Majesty's Government, was in dispute and would require consideration later. At another point, when Fuad Bey referred to the Beni Atiya, for purposes of illustration, as Saudi subjects, Sir Andrew Ryan suggested that it would be better to speak of, say, the Beni " X ".

After Fuad Bey had expounded, with explanatory comments in several cases, the points set forth in his memorandum, Sir Andrew Ryan thanked him for his clear exposition of subjects which might engage attention. He said, however, that he must at once make it clear that both points under head (1) were entirely outside the scope of the present conference and could not be discussed at it.

Fuad Bey explained that he had merely wished to give a comprehensive enumeration of outstanding questions, without advancing views on them at this stage. The question under head (1) was in that category, though they might have to be reserved.

Sir Andrew Ryan then dealt generally with the other points. He thought that many of them were within the framework of the Treaties with 'Iraq on which the British and Trans-Jordan delegates had based their preparatory work. Any others would be legitimate subjects of consideration at the conference, though he thought that some of them were hardly matters which could be dealt with in a treaty settlement and were more suitable for handling by frontier officers. How for instance could the conference deal with such a matter as " Araif "? It was the subject of well understood local custom, which it would be the business of frontier officers to apply. Delegates in Jedda could hardly undertake to codify Beduin law and custom.

It was agreed that the British and Trans-Jordan delegates should produce, if possible in time for the second meeting, drafts showing how in their opinion the treaties with 'Iraq might be adapted to the requirements of Saudi Arabia and Trans-Jordan, with the exception of the Arbitration Protocol, which needed further study.

Enclosure 2 in No. 2.

SECOND MEETING.

AT KHARIJIA, AT 11 A.M., ON 24TH APRIL, 1933.

Present:—

The same.

Fuad Bey acknowledged the receipt of the draft Extradition Treaty* (English version attached: Appendix " B ").

Sir Andrew Ryan explained that it had not been possible to prepare the draft Treaty of Friendship and *Bon Voisinage* in time for this meeting.

The Saudi Delegation intimated that they would have preferred to start with the Treaty of Friendship and *Bon Voisinage*. They had no objection, however, to discussing in general terms the draft Extradition Treaty, which they had studied, although only hurriedly. They referred to Sir Andrew

* Not printed.

Ryan's statement in his covering letter that the British and Trans-Jordan delegates might themselves have amendments to suggest in their own draft. They asked whether they could be told what these amendments were.

Sir Andrew Ryan explained that what he had meant, as he had stated in his letter, was that he and his colleagues might find it necessary in the course of discussion to suggest amendments in a draft prepared under great pressure in order to expedite the work in hand.

Sheikh Yusef Yassin discussed the general terms of the draft under three heads, viz.,

(1) Distinction between political and non-political offences.
(2) Definition of extraditable offences.
(3) Extradition procedure.

As regards (1) Sheikh Yusef suggested that there should be no distinction between political and non-political offences, as no such distinction was known among Beduin and any criminal act by a Bedu should be considered non-political. He asked how the distinction was to be drawn, if it were necessary to draw one at all.

As regards (2), Sheikh Yusef raised the question of attacks on Government property. Would an attack, e.g., on a police post be an extraditable offence? He took exception to the substitution of the word " Ta'addi " for the word " Qiyam ", as used in the Treaty with 'Iraq.

A discussion ensued as to the effect of the two words. The Saudi delegates suggested that the language used should cover any action against the authority of the rulers concerned, e.g., such an attempt as that of Ibn Rafada. The British and Trans-Jordan delegates contended that paragraph 2 of Article 3 should deal only with its proper subject, viz., attempts *on the person* of rulers and princes and that the word " Qiyam " which means " rising " or " insurrection " could not properly be used in such a connection. They insisted that the question whether participation in armed rebellion was to be considered an extraditable offence must be dealt with separately.

As regards (3) above, Sheikh Yusef demurred to the principle of Article 4 in the draft, more particularly the clause providing for sworn depositions, as being evidence of a nature not contemplated in the Saudi system. After a certain amount of general discussion he suggested a purely administrative procedure for surrender should suffice.

At this point Sir Andrew Ryan made a general statement on the question of principle looked at from the point of view of His Majesty's Government in the United Kingdom. His general thesis was that an extradition treaty, if the expression were used in its technical European sense, must contemplate a judicial procedure, which should take account of general international practice and the claims of municipal law to be respected. The Trans-Jordan Government, he said, would have preferred to have no extradition treaty, as they considered such a treaty inappropriate to the elementary conditions existing on the frontier. His Majesty's Government, in deference to the views understood to be held by the Saudi Government and in pursuance of the understanding that the Saudi-Trans-Jordan treaties should follow the general lines of the Saudi-'Iraq treaties, had pressed Trans-Jordan to accept an extradition treaty, but they could only ask the Trans-Jordan Government to consent to a treaty on ordinarily accepted lines. Sir Andrew Ryan considered that Sheikh Yusef was putting forward a very different and new proposal in asking for an administrative procedure.

Colonel Cox produced the text of the Trans-Jordan Extradition Law and presented Arabic copies of it to the Saudi delegates. He drew special attention to Articles 9, 11, 14, and 15.

Sheikh Yusef asked whether the benefit would be on one side only.

Sir Andrew Ryan said that he did not see the bearing of this question but that the answer was clear. The benefit of any arrangements agreed upon would be reciprocal.

In the course of the further discussion Sheikh Yusef Yassin stressed the fact that the draft under discussion departed widely from the Saudi-'Iraq text and urged that it was the Trans-Jordan proposal that was new.

Sir Andrew Ryan admitted that, in its essence, the Saudi-'Iraq text seemed to provide for surrender as a result of purely administrative action. He suggested, without wishing to criticize its negotiators, that in their impetuosity they had produced a very odd result.

Taufiq Bey Aboul Houda furnished in the course of this discussion explanations of the effect of the Trans-Jordan Extradition Law.

Sheikh Yusef Yassin suggested an adjournment for consultation with higher authority. This was agreed to but, before the meeting adjourned, Sir Andrew Ryan defined his understanding of the position reached as being that the onus of choosing between a judicial procedure or maintenance of Sheikh Yusef's alternative proposal lay on the Saudi Government. In order to complete the discussion he reverted to certain points raised in Sheikh Yusef's initial statement but not touched on in his more general statement. He thought it essential to exclude political offences in accordance with the general principle observed among nations and upheld by no power more strongly than by His Majesty's Government. As regards attacks on Government property, he considered, subject to further consultation with his colleagues, it would be clearly an extraditable offence. He had difficulty in conceiving such an attack unaccompanied by one or other of the offences enumerated in Article 3 of the Trans-Jordan draft.

Enclosure 3 in No. 2.

THIRD MEETING.

AT THE BRITISH LEGATION AT 10·30 A.M. ON 25TH APRIL, 1933.

Present:

The same as at the previous meetings with the addition of Mr. A. C. Oppenheim, acting as Secretary.

Fuad Bey stated that the draft Treaty of Friendship* (copy of English version is attached marked Appendix "C") which had been handed to him by the delegates opposite had been studied as carefully as time had permitted. He pointed out that, though based on the Treaty between 'Iraq and Nejd, it differed therefrom in many respects and that several of the matters mentioned in his opening memorandum† (attachment "A") were not dealt with.

In agreeing to a suggestion that it would be best to examine the draft in detail article by article, Fuad Bey stated that he would prefer to discuss the Preamble and Article 2 with the British delegates alone, since these articles concerned the relations of the Saudi and British Government. He explained that he made this reservation in the desire to avoid wounding the feelings of the Trans-Jordan delegates. Sir Andrew Ryan pointed out that if anything disagreeable must be said of either Ruler, and he hoped that this would not be necessary, all the delegates must be present at any official meeting; he added that he was ready, of course, to meet Fuad Bey privately and unofficially at any time.

At this point it was decided that, although it had been agreed that formal minutes of the meetings should not be kept, it might be necessary to record from time to time in the form of an agreed minute any verbal agreement which was arrived at but which would not form a part of the Treaty.

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* Enclosure 3 in No. 1.

† Enclosure 2 in No. 1.

Article 1 was discussed and Fuad Bey's suggestion that the actual words of the 'Iraq-Nejd Treaty should be accepted *mutatis mutandis* was accepted.

Article 3, as drafted, was accepted.

In spite of the Saudi reservation of Article 2 for later discussion, Fuad Bey now expressed the wish to discuss the question of the appointment of Saudi Consuls in Palestine and Trans-Jordan but agreed to drop the matter for the present when the apparent inconsistency was pointed out to him.

In discussing *Article* 4 Fuad Bey objected to the words of "a similar nature" and explained that he wished to have an article which would provide that either country should warn the other of any unlawful act about to to be committed in the territory of the other wherever such act was being prepared and wherever in the other country it would be committed.

Sir Andrew Ryan suggested that the duties of the frontier officers were under discussion and that the words "of a similar nature" be replaced by the words "or other unlawful acts likely to disturb peace on the frontier".

Sheikh Yusef Yassin then suggested that the words "and to keep each other informed of such preparations" should be added at the end of Article 3.

He was reminded that the text of Article 3 had already been accepted and that such a provision was much wider than desirable and might open the door to frequent complaints of failure to carry out the terms of the Treaty. Sir Andrew Ryan observed that Ibn Saud and his Government had not been under any obligation to inform the Trans-Jordan Government of the fact that, after the Ibn Rafada affair, his people were inciting Ibn Saud to attack the Amir Abdullah. Ibn Saud was, however, under an obligation to prevent any such attacks and had done so.

Sheikh Yusef then suggested the following re-draft of Article 4:—

> "As soon as the Governments of the two High Contracting Parties or the special officers referred to in Article 8, receive information that preparations are being undertaken in their territories by one or more armed persons with the intention of committing plunder, robbery, raiding, or other unlawful act in the two countries and which are likely to disturb peace in the Territories of the other Party, the two Governments or the special officers should mutually inform each other or their officials or their tribes accordingly at once."

Sir Andrew Ryan stated that the draft was unacceptable as it mixed up two subjects and two authorities.

Fuad Bey then announced that the Saudi delegates withdrew the draft.

After further discussion it was agreed to consider a draft amendment to Article 4 to be prepared by the Saudi delegates.

The following draft was put forward by them for addition at the end of Article 3:—"and to inform the other Party of the measures taken to prevent them from being carried out."

It was agreed that it would be more logical to place Article 8 between Articles 3 and 4 and was agreed to renumber it for the time being Article 3A.

Enclosure 4 in No. 2.

FOURTH MEETING.

AT KHARIJIA, AT 4 P.M. ON 25TH APRIL, 1933.

Present:—

Same as at preceding meeting.

Fuad Bey returned to the question of the additional sentence which he had proposed, at the end of the morning's sitting, should be added to Article 3, to the effect that each Party should undertake to impart to the other any

information concerning unlawful acts and preparations in their territories and the measures taken to frustrate them.

Sir Andrew Ryan stated that the Trans-Jordan Delegation was willing to accept this addition conditional on its being approved by His Majesty's Government and the Government of Trans-Jordan.

Fuad Bey then announced that so far as Article 4 was concerned the Saudi delegates saw no difficulty in accepting the first paragraph as it stood, but they wished to know the object of the next paragraph which was not to be found in the 'Iraqi text.

To this Sir Andrew Ryan replied that whereas the 'Iraq Treaty allowed that information of unlawful acts and preparations might be passed to the tribes in preference to the proper officials at any time, the drafters of the present text considered that to be too open to abuse in normal times. They had therefore limited the passing of information through such channels to cases of emergency. This was the object of the paragraphs questioned by Fuad Bey.

He continued to state that he saw nevertheless a slight difference between the text and what the Saudi delegates had in view. The text contemplated the passing of information to the tribes as a second degree in a process while the delegates seemed to have contemplated that it should only be resorted to as a third degree, the first and second degrees being the passing of information to the proper frontier officials or if they were not available to other officials respectively. To make this clear he proposed that the text should be altered to read "such information should be given to the nearest officials or if no such officials be accessible to the tribes concerned."

This suggestion was agreed to and the Article accepted "*ad referendum*" after the addition of a further clause, prepared by Fuad Bey, enabling information to be given if need be by any official acting on behalf of the competent authorities.

Proceeding to the study of Article 5, Sheikh Yusef Yassin noted that there was a substantial difference between the draft text and the 'Iraqi text.

Sir Andrew Ryan in explanation stated that this Article began by recognizing that in certain cases, where preparations for unlawful acts were being made in one country, the Government of that country might be in a position to deal with the case by itself. In such cases, although it would not be compulsory, they might inform the other Government if they wished. But the machinery on the Trans-Jordan—Saudi frontier being incapable at present of preventing all raiders and other criminals from crossing the frontier in flight, this Article continued by laying down the procedure to be adopted in the several possible cases that might arise. First of all, however, and it was a point to which the Trans-Jordan Delegation attached the greatest importance as a deterrent for future raiding, all loot must be returned at once, that is without waiting for any decisions about punishment, and must be returned in full, that is without deduction for "Khidma".

Fuad Bey agreed to these provisions about the return of loot and stated further that he saw four possible cases arising from raiders crossing from one country to the other. Taking "A" as the country raided and "B" the other country, party to this Treaty, and "C" any third country, there were:—

(1) Subjects of "A" raid in "A" and go to "B".
(2) Subjects of "A" residing in "B" raid "A" and return.
(3) Subjects of "B" raid "A" and return.
(4) Subjects of "C" raid "A" through "B".

In all cases loot must be returned at once and in full. In case 3 the raiders must be punished by their own Government. In cases 1, 2, and 4 the position would be more complicated. He suggested it would be better

to adopt the 'Iraq text, which means, he said, that in cases 1 and 2 the subjects of the country raided should be sent back to their own country without extradition being asked for and without legal procedure.

Sir Andrew Ryan pointed out that this would be entirely impossible, being worse than anything asked for by the Saudi delegates during the discussion of extradition at the first meeting. It would be quite impossible for the Trans-Jordan and British Governments to agree to extradition without judicial procedure.

A long discussion of some heat followed wherein the Saudi delegates quoted the precedence of the Prophet's treaty with Quraish in defence of arbitrary arrest and extradition and no further decision had been reached by the time the meeting rose at 6 p.m.

Enclosure 5 in No. 2.

FIFTH MEETING.

AT THE BRITISH LEGATION AT 11 A.M. ON 26TH APRIL, 1933.

Present:

Same as at preceding meeting.

In the interval between the two meetings, Colonel Cox, in collaboration with Taufiq Bey and Captain Glubb, had drawn up an alternative draft for *Article* 5 (duties of frontier officers and procedure to be adopted in the case of raids) which he now presented to the Saudi delegates.

Fuad Bey read the draft through and confessed himself favourably impressed, stating that he did not think there would be any difficulty in coming to an agreement over it.

Sheikh Yusef Yassin proceeding to the examination of *Article* 6 (right of free circulation for tribes in the frontier areas) suggested the addition of a clause reading, "Nothing in this shall affect, in any way whatsoever, the provisions of Article 13 of the Hadda Agreement".

Sir Andrew Ryan reminded the Saudi delegates that there had been considerable correspondence in the past about the meaning of Article 13. The decision arrived at was that neither Party would in any way act contrary to Article 13. At the same time the point required careful examination, more especially as the question of the transit of arms and ammunition had been referred to.

The Saudi addition to Article 6 was accepted.

Proceeding to *Article* 7 (enlistment of subjects of the other State in military forces), Sheikh Yusef Yassin announced that the Saudi Delegation wished to amend the text so that neither Party should "allow" (instead of "force") the subjects of the other Party to join his military forces. He thought this amendment would avoid misunderstanding.

Colonel Cox stated that it would be difficult for the Trans-Jordan Government to agree to this, as they had several Saudi subjects in their forces.

Sir Andrew Ryan agreed with Colonel Cox and pointed out firstly that the right to enlist foreigners is a question of municipal law; secondly, that it would be extremely difficult to enforce the Article as amended, and the difficulties which it would create for Saudi Arabia, with its system of military levies, would be tremendous and far greater than those which it would impose on Trans-Jordan; lastly, although the Article as originally drafted was one common to most treaties of this sort, the Article as amended would be, so far as he knew, quite unique.

Colonel Cox assured the Saudi Delegation that the Trans-Jordan Government had no desire to increase the number of Saudis or other foreigners

in their force and that their present policy, on the contrary, was to reduce the number of such foreigners.

Captain Glubb proposed that the question should be reserved until they had time to discuss it to which the two delegations agreed.

Taking next *Article* 8 (appointment of frontier officers) which had temporarily been renumbered Article 3A at the third meeting.

Sheikh Yusef Yassin stated that he would like to provide for communication being authorized, not only between the frontier officers themselves as stated, but, should they by chance be absent, between officers acting on their behalf. This was agreed to.

Colonel Cox at this stage said he had been glad to hear from Fuad Bey that it was intended to appoint more than one special officer and brought up the question whether it would be permissible for the frontier officers to communicate by wireless.

Captain Glubb pointed out that attempts during the last year had ended in failure as the Station at Jauf seemed to consider that they had no authority for such communications.

Fuad Bey stated that methods of communication were mentioned in his memorandum and he forsaw no difficulty in making the desired arrangement.

The above being the only alteration proposed for Article 8, *Article* 9 (providing for meetings of the frontier officers at least every six months) was examined.

The Saudi delegates proposed minor alterations, viz., the replacement of the words " on the common frontier of the territories under the rule of the High Contracting Parties " by the words " on the frontier between the two countries ", and the replacement of the words " any outstanding questions relating to the administration of the frontier area " by the words " any questions relating to the frontier areas ". These were accepted.

Fuad Bey suggested it might be well to define the frontier area.

Sir Andrew Ryan considered that this should not be attempted, especially in terms of miles or kilometres. The phrase " frontier area " clearly meant the area in which the occurrence of an event would affect conditions on the frontier.

He wished, however, to point out a more material point. He understood that the Saudi Arab Government was considering the possibility of reorganizing their administration on the frontier by nominating three officials as special frontier officers. He would not like that the Article should break down because the arrangement for meeting was not clearly enough defined.

Fuad Bey stated that as the reorganization mentioned was not yet decided on he would prefer to refer this matter to His Majesty the King.

The meeting rose at 1 p.m.

Enclosure 6 *in No.* 2.

SIXTH MEETING.

AT THE BRITISH LEGATION AT 4 P.M. ON 26TH APRIL, 1933.

Present:—

Same as at preceding meeting.

Fuad Bey stated that Article 10 of the Treaty of Friendship differed from the corresponding Article of the Treaty with 'Iraq and was a departure also from the provisions of Article 6 of the Hadda Agreement which provided machinery in the form of Special Tribunals for settling disputes. Sir Andrew Ryan argued that experience had shown that the Tribunals contemplated in the Hadda Agreement had proved useless, he said that those provided for under the Bahra Agreement had been no more useful

and that Koweit when offered a similar machinery had begged to be excused alleging that current disputes could best be settled immediately they occurred. Colonel Cox explained how current business with Trans-Jordan's neighbour in Syria was satisfactorily settled and kept up to date in spite of the breakdown of the Mixed Tribunal which had been brought into being some years ago.

Captain Glubb exposed his theory that the proper line of procedure was for the special officer on either side of the frontier to seize any loot brought into his country with the minimum of delay and to return it to the special officer of the other country immediately and before any meeting between the officers had taken place and to fill in and sign an agreed upon printed form in which he would explain the details of the disposition of the loot and certify that nothing further remained to be accounted for.

Sheikh Yusef questioned the efficacy of such an arrangement and asked why a number of cases outstanding from the time of the MacDonnell award had not been settled.

Captain Glubb replied with commendable restraint in regard to those raids which had occurred between August, 1930, and February, 1931, and explained that no loot was outstanding since the raid on the Atoon of September, 1931, but that he had declined to deal with any raid before this latter when it became evident that this latter was to be insoluble.

Sheikh Yusef Yassin said it should be an accepted principle that every case should be settled on its merits and no case should be postponed because some other had remained unsettled.

Fuad Bey brought the discussion back to Article 10 saying that he would like to consult the King in regard thereto.

Sir Andrew Ryan suggested that the first paragraph of Article 10 might suitably be included in Article 9 and that Articles 9 and 10 should follow immediately after Article 5.

Sheikh Fuad on hearing, in answer to his question, that it was intended that Article 6 of the Treaty should do away with the necessity for tribesmen to obtain permits as provided in Article 7 of the Hadda Agreement, said he had not understood this when discussing the Article earlier and wished to withhold his final agreement to the Article for the present.

Enclosure 7 *in No.* 2.

SEVENTH MEETING.

AT THE BRITISH LEGATION AT 10 A.M. ON 29TH APRIL, 1933.

Present:—

Same as at preceding meeting.

At the opening of the meeting copies in Arabic of the articles of the Treaty of Friendship, which already had been dealt with, were distributed. Amendments already agreed upon were embodied in the articles and the numbering agreed upon in earlier meetings was also adopted.

The Saudi delegates considered that the restriction imposed by Article 11 (Article 10 of the Final Draft) should not apply to those of their officers who had occasion to cross Trans-Jordan territory in order to enter another country, e.g., Syria or Palestine.

Sir Andrew Ryan pointed out that the exemption required could be met by the application of Article 12 of the Hadda Agreement. He said he would be prepared to discuss the matter on a basis of reciprocity if desired but not as a part of Article 11. On that basis of reciprocity it would be necessary

for him to ask that the Amir Abdullah's sovereign rights be equally regarded and that the Amir should have the right to send a message to the Yemen by the hand of his messenger travelling through Saudi Arabia.

It was finally agreed after further discussion that the Article should be read as shown in Appendix " I ".*

It was agreed on Fuad Bey's suggestion that a letter should be written for attachment to the Treaty stating that restrictions as to crossing the frontier between Trans-Jordan and Saudi Arabia applied not less strongly to British officials in Trans-Jordan not employed by the Trans-Jordan Government than to officials of the Trans-Jordan Government.

Attention was then turned to *Article* 12 (Article 11 of the Final Draft) and the Saudi delegates asked for a stronger word than " discourage " in regard to the passage of persons, other than officials, across the frontier.

It was explained that the law gave no authority to prevent such movement and after discussion it was agreed to change the Article to read as shown in Appendix " I ".

Article 13, it was agreed, was no longer necessary and Article 14 (Article 12 of the Final Draft) was accepted without discussion.

On coming to Article 15 (Article 13 of the Final Draft), Fuad Bey stated that if the Treaty were signed at Jedda ratifications should take place at Jerusalem and vice versa.

It was suggested, and agreed, that this point might be reverted to later in the discussions.

Taufiq Bey objected to a suggestion that the Treaty should remain in force for the same period as described in the Hadda Agreement. His objection was based on the ground that the Treaty under discussion was to be between Saudi Arabia and Trans-Jordan, whereas the Hadda Agreement was between His Majesty's Government and Saudi Arabia. It was agreed to leave this matter for discussion later.

It was agreed that Article 16, which in the main was unnecessary, might be embodied in Article 15 (Article 13 in the Final Draft).

Enclosure 8 *in No.* 2.

EIGHTH MEETING.

AT THE BRITISH LEGATION AT 4.0 P.M. ON 29TH APRIL, 1933.

Present:

The same as at preceding meeting.

It was agreed to go through the whole of the amended draft of the Treaty of Friendship which Sir Andrew Ryan had christened the stock-taking draft.

A long discussion revolved around the Saudi contention that permanent peace referred to in *Article* 1 is not consistent with the provision in Article 15 (Article 13 of the Final Draft) for terminating the Treaty after three years. It was suggested that the solution might be found in omitting the word " permanent " from Article 1. The matter was postponed for later consideration.

Fuad Bey declared *Article* 2 (omitted from Final Draft) to be inacceptable and on being desired to make a suggestion, proposed that the question of diplomatic and consular representation should be dealt with in this Treaty

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* Not printed.

as it is dealt with in the Treaty between Syria and Saudi Arabia, i.e., that Syria being under Mandate is represented by the officials of the Mandatory Power whilst Saudi Arabia, being fully independent, has its own representatives.

Taufiq Bey being informed in an aside of this suggestion found it entirely inacceptable.

Sir Andrew Ryan said that His Majesty's Government would admit no inequality of status between the Amir Abdullah of Trans-Jordan and King Abdul Aziz of Saudi Arabia. They are, in the view of His Majesty's Government, both Rulers of Independent States, though one of them exercises his rule subject to a Treaty concluded between him and His Majesty's Government. From this two points emerge: (1) the Amir Abdullah must be treated with no less respect than King Abdul Aziz and (2) any arrangement in regard to representation must, in principle, be reciprocal and equal.

Sir Andrew then suggested that, keeping these remarks in view, Fuad Bey should submit an alternative draft of Article 2. Continuing Sir Andrew Ryan said that he had made a statement in strong terms and could not say that the same words would have been used had the statement been first prepared in writing. He was quite certain, however, that no disrespect could be allowed towards the Amir Abdullah. That the Amir could send a Diplomatic Representative to Jedda was at present impossible, but this, perhaps, was not the case in respect of Consular representation.

Sir Andrew Ryan said he had expected Fuad Bey to be very pleased with the following draft of Article 2 which Sir Andrew Ryan had conveyed to him privately:—

> " Subject to the provisions of this Treaty or any future Agreement which may be reached between the High Contracting Parties the existing arrangements for the conduct of relations between them shall be maintained.
>
> " Notwithstanding the provisions of the preceding paragraph each of the High Contracting Parties shall be entitled, though not obliged, at any time during the period of validity of this Treaty to appoint Consular Officers at Jedda and Amman respectively to perform ordinary Consular duties."

Fuad Bey then made the following suggestion for the wording of Article 2:—

> " The Diplomatic and Consular interests of Trans-Jordan in Saudi Arabia shall be conducted in such manner as may be agreed upon between His Majesty's Government and the Amir Abdullah.
>
> " The relations of Saudi Arabia with Trans-Jordan shall be conducted as regards Diplomatic relations through the Diplomatic Representative of Saudi Arabia in London, and as regards Consular relations, by their Consuls to be appointed in Trans-Jordan."

In answer to a question from Sir Andrew Ryan, Fuad Bey said that the substance of the above is the only arrangement acceptable to his Government. He added that the manner in which Trans-Jordan is represented in Saudi Arabia is not a matter of importance to his Government, but that it is of great importance to his Government that the method of its representation abroad should not be limited in any way. He explained in conclusion that the opposite Delegation were quite free to alter the wording of the first sentence of his draft.

It appeared possible that Fuad Bey might be striving to depart from the arrangement whereby most of his dealings with His Majesty's Government are conducted through Sir Andrew Ryan. Fuad Bey, however, assured Sir Andrew Ryan as he was leaving the Legation after the meeting that this is not his desire.

Taufiq Bey in discussion after the conclusion of the meeting stated that he would, subject to the Amir's concurrence, accept the Saudi draft of

Article 2 provided that in the first sentence the words " As may be agreed upon between His Majesty's Government and the Amir Abdullah " were replaced by the words " As arranged by the Amir ". Sir Andrew Ryan, however, did not consider that such a suggestion would be acceptable to His Majesty's Government.

Enclosure 9 in No. 2.

NINTH MEETING. AT THE BRITISH LEGATION AT 4.0 P.M., ON 30TH APRIL, 1933.

Present:

Same as at preceding meeting.

Fuad Bey said he preferred to leave Article 2 for the moment and to pass on to Article 3 (Article 2 of Final Draft) of the Treaty of Friendship.

Sir Andrew Ryan stated that higher authority, to whom reference had been made, did not object to Fuad Bey's addition to Article 3 (Article 2 of Final Draft) viz., " and shall inform the other Party of such action and of the measures taken to hinder their being carried out ", but suggested adding the following words:—

> " Should it appear to his Government that the measures adopted by them may not suffice to prevent the persons engaged in the unlawful activities in question from giving effect to them in the territory of the other Party."

After discussion the following addition to Article 3 was accepted:—

> " Should it appear to either of the High Contracting Parties that the measures adopted by it may not suffice to prevent the persons engaged in the unlawful actions above referred to in the first sentence from giving effect to them in the territory of the other Party it shall inform that other Party of such actions and of the measures taken to hinder their being carried out."

Fuad Bey then asked leave to return to Article 2.

Sir Andrew Ryan gave the following *résumé* of the private conversation he had held with Fuad Bey in the morning:—

He said he had urged the acceptance of the draft of Article 2 which is set out in the record of the eighth meeting but that Fuad Bey had found it inacceptable. The Saudi draft, also set out in the record of the eighth meeting, was then discussed and maintained by Fuad Bey who stated his readiness, however, to consider a rewording of the first paragraph thereof and to replace in the second paragraph the expression " Consuls to be appointed in Trans-Jordan " by the expression " Consul to be appointed at Amman ". Taufiq Bey's suggested draft of Article 2, viz., " The representation of the diplomatic interests of each High Contracting Party in the country of the other shall be conducted through any Representative which either may have in the United Kingdom. Either of them will have the right, when he can do so, to appoint a Consul in the country of the other, to deal with normal consular interests. Until either of them appoint a Consul the arrangements followed at the present time for dealing with his interests will be continued ", was handed to Fuad Bey who was informed that the draft would be submitted by Sir Andrew Ryan to higher authority if the Saudi Government considered it suitable. Fuad Bey promised to give his view later.

Sir Andrew Ryan said that the question of the Preamble had also been touched on and that it still remained in reserve.

Fuad Bey explained in what manner Taufiq Bey's draft appeared unsuitable and asked that the Saudi draft (*vide* the record of the 8th meeting) might be referred to higher authority.

Articles 3A and 4 (Articles 3 and 4 of the Final Draft) were agreed upon without further amendment.

Sheikh Yusef Yassin said that the Saudi Government would accept Article 5 as drafted (*vide* draft attached marked Appendix " D "*) provided a very small addition were made thereto, viz., " and then they shall be extradited " after the words " the informant Government " in the last line but three.

Sir Andrew Ryan put forward an alternative proposal to Article 5 to the effect that subjects of one country who, having committed a raid, enter the other shall be called upon to return to their country under penalty of being detained and tried in the country which they have entered. Copies of this alternative were handed to Fuad Bey on the 30th April, 1933.

Article 5A (Article 6 of the Final Draft) was accepted without alteration, Fuad Bey explaining that only two special officers would be nominated on the Saudi side and not three as stated earlier. These two would be the Amir of Kaf, whose jurisdiction covered the Wady Sirhan, and the Amir of Tebuk, whose jurisdiction extended from Jauf to the sea. Fuad Bey undertook to write a letter covering these points and the dates and method of meeting.

Article 5B (first paragraph of Article 7 of Final Draft) was accepted without amendment.

Enclosure 10 in No. 2.

TENTH MEETING.

AT KHARIJIA, AT 10 A.M. ON 1ST MAY, 1933.

Present:

Same as at preceding meeting.

Article 5c (second paragraph of Article 7 of the Final Draft) was reached and Sir Andrew Ryan suggested the following addition:

> " The operation of Article 6 of the Hadda Agreement shall be superseded during the period of validity of this Treaty ".

It was agreed on Fuad Bey's suggestion that Articles 5B and 5c (Article 7 of the Final Draft) should again be amalgamated.

Considerable argument arose over the terms of Article 5c, since a suggestion made by the Saudi delegates appeared to indicate that they desired that arbitration might only be resorted to when the two Parties had agreed to adopt this method of solution.

Fuad Bey was not prepared to say at this stage that any disputes which proved insoluble by the special officers and by the Governments must be solved by arbitration and Sir Andrew Ryan remarked that it would be deplorable to leave a number of matters unsolved by neglecting to use the healthy method of arbitration. The Article was reserved by the Saudi delegates for further study.

Fuad Bey recalled that *Article* 6 (Article 8 of the Final Draft) had been reserved during an earlier meeting to enable him and his colleagues to consider its bearing on Article 7 of the Hadda Agreement. He was content that Article 7 of the Hadda Agreement be superseded. It was agreed that no specific mention of that Article need be made and Article 6 was accepted.

On coming to Article 7 (Article 9 of Final Draft) of the Treaty, Sir Andrew Ryan stated that the Saudi suggestion that it should be agreed that neither country might enlist nationals of the other in its armed forces

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* Not printed.

was regarded as so impractical that it had not been referred for the instructions of higher authority. He added that if the Saudi delegates pressed him he must, of course, make such reference.

In spite of Sir Andrew Ryan's contention that the provision in question would not make for peace on the frontier as the Saudis maintained but would, on the contrary, make for disputes and lead probably to numbers of cases for arbitration, the Saudi delegates continued to insist that this proposal be referred to higher authority and went so far as to say that the acceptance of their proposal must be regarded as a condition of the conclusion of a treaty between the two Parties.

Article 11 (Article 10 of Final Draft) was agreed to on the understanding that in the Final Draft the Articles now referred to as "3A to 5A" should be specified in detail.

Article 12 (Article 11 of Final Draft) was adopted without amendment.

Sir Andrew Ryan stated that, though he did not suggest an amendment to *Article* 14 (Article 12 of Final Draft), it must be quite clear that the Article does not enable such a matter as the Aqaba-Ma'an boundary to be referred to arbitration, because a case of this kind is for discussion between His Majesty's Government and the Government of Saudi Arabia. Fuad Bey suggested that the scope of Article 14 should be limited to matters dealt with in the Treaty of Friendship and in the Hadda Agreement. Sir Andrew Ryan said that this was a matter which needed further discussion with his colleagues and that difficulties were apparent, especially in connection with the Trans-Jordan-Nejd Frontier.

In regard to *Article* 15 (Article 13 of Final Draft) Sir Andrew Ryan stated that in describing the period of validity of the Treaty any reference to the Mandate or to the Hadda Agreement would be unacceptable.

The Saudi delegates suggested that Article 8 of the Treaty of Jedda be accepted as a model and this was agreed to *ad referendum* on the understanding that five years should be specified instead of seven as in the Treaty of Jedda.

It was agreed that the following matters still remained outstanding:—
Articles 2, 5, 5A (letter to be drafted by the Saudi delegates), 5C, 7, 14, and 15 and that a letter from His Majesty's Government giving an assurance *re* the crossing of the frontier by British officials in Trans-Jordan not in the service of the Trans-Jordan Government remained to be drafted.

Before the meeting rose the proposed form of certificate referred to in the 6th meeting was handed to the Saudi delegates and it was remarked that care should be exercised not to encumber the Treaty with too many attachments.

Enclosure 11 *in No.* 21.

ELEVENTH MEETING.

AT THE BRITISH LEGATION AT 4 P.M. ON 1ST MAY, 1933.

Present:—

Same persons as before.

The draft Arbitration Protocol,* of which a copy is attached marked Appendix "E", was discussed.

To make the arguments intelligible it is necessary to mention here that the members of the mission from Trans-Jordan had made up their minds that compulsory arbitration should be avoided.

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* Enclosure 4 in No. 1.

Sir Andrew Ryan opened the proceedings and discussed the two alternatives, viz.:—

(1) Where either Party could force arbitration on the other at any time just as a person might take a case to Court.

(2) Where arbitration could only be resorted to when both parties agreed, in diplomatic discussion, that this solution would be desirable.

He drew attention to the word "shall" in the last line but two of Article 14 (Article 12 of the Final Draft) of the Treaty of Friendship.

Fuad Bey remarked that in their view either Party should be able to force arbitration on the other but only after diplomatic means had failed to solve a matter in dispute between the Parties.

The meeting proceeded to examine the articles of the Protocol in detail and after agreeing to leave the Preamble for later discussion agreed to accept *Article* 1 unchanged.

Fuad Bey considered it incorrect that Article 2 should provide the limitation that only differences "which are a proper subject for arbitration" may be referred to arbitration.

Sir Andrew Ryan on the other hand held that either Party must be able to refuse arbitration on a matter which it does not regard as a proper subject for arbitration; he pointed out that a decision as to whether or not a subject was proper for arbitration might have to be sought by arbitration.

Fuad Bey suggested that the words "and which is a proper subject for arbitration under the Treaty of Friendship and *Bon Voisinage* and the annexed letters signed this day" should be omitted and argued that either Party would be debarred from referring an improper case to arbitration by the fear of ridicule, expense, and adverse judgment.

Sir Andrew Ryan pointed out that it would be best to provide that questions should only be referred to arbitration in agreement between the two Parties and failing this he must attach as much importance to the retention of the words referred to above as the Saudi delegates do to retaining their right to go to arbitration.

Fuad Bey suggested that a European Treaty might prove a useful guide and that in the meantime the meeting might pass on to other points. Clauses (*a*) and (*b*) of Article 3 were accepted.

Sir Andrew Ryan said that there were many objections to Fuad Bey's suggestion *re* Article 3 that, failing agreement as to the nomination of the President of the Board of Arbitration, each Party should suggest a person and the final appointment should then be decided by drawing lots. Such an objection was that either Party might suggest a person distinctly objectionable to the other.

Other suggestions were made but no solution was agreed upon and it was decided to pass on to the other articles.

Articles 4 *and* 5 were accepted without change.

Article 6 was accepted after adding the word "possible" before "facilities" in the last line but one.

Articles 7 *and* 8 were accepted without amendment.

As regards *Article* 9, Fuad Bey wished to provide that the Party against whom the award is given shall pay the expenses of the President and clerks, etc., and the proposal was postponed for further consideration.

Article 10 was accepted subject to an improvement in the wording of the Arabic.

The meeting rose leaving the Preamble and Articles 2, 3, 9, and 10 unaccepted.

Enclosure 12 *in No.* 2.

TWELFTH MEETING.

AT THE BRITISH LEGATION AT 10 A.M., ON 2ND MAY, 1933.

Present:—

Same persons as before.

The Extradition Treaty was discussed, and it was agreed to substitute the words "undertakes, subject to the provisions of this Treaty, to extradite" for the words "shall surrender" in the second line of Articles 1 and 2.

Sheikh Yusef Yassin turned to Article 3 and inquired (1) what is a political crime? and (2) as regards those crimes described in the article as non-political is it possible for either of the High Contracting Parties to classify them at any time as political?

He stated his view that a political crime is one committed by a person who is trying to restore his position as a Ruler but as to persons like the Dabbaghs and Sabbans who are merely engaged in earning their daily bread, their crimes are not political. Sheikh Yusef further stated that he considered any person who has taken part in a rising against the authority of either of the High Contracting Parties to have committed a non-political and extraditable crime; he added that this was the understanding which had been reached with the 'Iraq Government.

Sir Andrew Ryan said he feared it would be impossible to reach agreement with Sheikh Yusef on these lines. He said it was impossible to give a positive definition of a political crime; generally speaking, it is an act which in the country where it is performed is regarded as criminal but is directed to a political purpose. The Court is usually left to decide. We cannot condition the general liberty of the Courts but can indicate, as we have done in the text of this Treaty, certain lines for their guidance. It must be quite clear that it is not the desire of His Majesty's Government or of the Trans-Jordan Government to encourage or permit rebellion in Saudi Arabia.

Fuad Bey, who at this point interpolated a request for a copy of the Extradition Agreements between Trans-Jordan and Syria and Palestine or between Palestine and Syria, was shown the draft Agreement between Trans-Jordan and Syria.

In replying to Sheikh Yusef's second question Sir Andrew Ryan reminded him that on a number of occasions Sheikh Yusef had stated that good faith was of the essence of any Treaty between the two States, and said that if we say a crime is not political it would be contrary to good faith to classify it later as political.

Sheikh Yusef inquired whether a murder would be held to be non-political in whatever circumstances it is committed or whether it must be left to the Courts to decide.

Sir Andrew Ryan said that of course the Courts must decide. If the extradition were demanded of an individual on a charge of murder he should be surrendered even if the murder had been committed during a rebellion. The task of the Court might be a difficult one, for it would have to decide if the crime were a case of ordinary murder or if it differed from ordinary murder. The Court must decide if the killing is murder in the legal sense or killing in a political sense. It is for the Court to decide on the character of the crime.

Fuad Bey said that he understood the article to mean that if the act of killing were proved then, whatever the circumstances, the criminal would be extraditable. Sir Andrew Ryan said that this was not his view, but he was willing to take legal opinion.

Sir Andrew Ryan said that Sheikh Yusef had mentioned the names of certain persons and inquired which of the Dabbaghs Sheikh Yusef referred

to, did he mean those under arms only or those as well who had been active outside Saudi territory.

Sheikh Yusef replied that he included all the Dabbaghs whether in Saudi Arabia, Aden, Trans-Jordan, or Egypt.

Sir Andrew Ryan continued that in the case of a person taking part in armed operations there is some room for discussion, though in his view the Ibn Rafada operations were political in character. But when Sheikh Yusef suggested that a demand should be accepted for the extradition of a man who was working against a country outside its borders he could only say that this is entirely outside the practice of all civilized states and that he could not envisage any circumstances in which such persons would be surrendered for such an offence. He had foreseen great difficulties in the way of an Extradition Agrement and in his opinion it would be better not to attempt to conclude an Extradition Treaty between the two countries.

Everything possible had been done to meet the Saudi views but our offer must be limited by modern practice.

He asked leave to mention Fauzi Kaoukji who had taken part in armed rebellion in another country and who not only was not extradited but had been given an important post in Saudi Arabia. He did not complain of this but merely gave an example where the Saudi Government had taken greater advantage of the international principles governing such cases than most countries would have done.

Sheikh Yusef stated that what his Government wanted was that persons who have committed any of the offences mentioned in Article 3 should be surrendered whatever the circumstances attending the commission of these crimes. He suggested that the conclusion of an Extradition Treaty be postponed to some future indefinite date and said he would suggest to the King that some provision be added to the Treaty of Friendship to make it impossible for mischief-makers to disturb either Government.

Sir Andrew Ryan said that in that case it would be fruitless to continue to study the draft Extradition Treaty and that the Saudi wishes might be met by making some amendments to Article 5 of the Treaty of Friendship.

Sheikh Yusef then said that he is required to stick to the principles which he had enumerated above; he was in consequence called upon by Sir Andrew Ryan to express his views in a counter draft of Article 3. On Fuad Bey explaining that the differences separating the two Parties were so profound that he thought it best to abandon any further discussion of the Extradition Treaty and rely on an attempt to find a solution in the Treaty of Friendship, Sir Andrew Ryan withdrew his request that a new draft of Article 3 should be prepared by the Saudi delegates.

Enclosure 13 *in No.* 2.

THIRTEENTH MEETING.

AT THE BRITISH LEGATION AT 11 A.M., ON 3RD MAY, 1933.

Present:

Same persons as before.

Article 5 of the Treaty of Friendship was discussed and it was agreed to accept the first paragraph of the draft of 30th April, 1933, as follows:—

"In the event of the competent authority of either of the High Contracting Parties or any person acting on his behalf receiving information of any of the following acts, namely, plunder, robbery, raiding, or any other unlawful actions likely to disturb peace on the frontier between the two countries having been committed within the territory of that Party, they shall have the right to notify the competent authority of the other Party

and in addition in case of urgency, the nearest official of such other Party. The person so notified shall, in the event of the aggressors entering the territory in which he is employed take the necessary measures for the immediate return in full of any loot or plunder seized in the possession of the aggressors."

Fuad Bey said the further provisions in regard to subjects of the country to which the loot is taken and in regard to subjects of a third party are acceptable, except that some provision should be made for the payment of compensation.

We are anxious to meet you half way, he said, and agree that the remaining clauses of the article should, to satisfy the terms of the Trans-Jordan Law, refer to Beduin only provided you will give us an assurance that every person arrested in the act of taking part in a Beduin raid shall be considered to be a nomadic tribesman unless he proves the contrary before the competent authority.

The draft of the remaining clauses of Article 5, as shown in Appendix "I"*, was agreed to.

Sir Andrew Ryan explained that authority had been received to accept Article 15 of the Treaty of Friendship redrafted on the basis of Article 8 of the Treaty of Jedda, but replacing the seven years shown in that Treaty by five. A reservation in regard to Article 15 had been made during the 10th meeting.

Enclosure 14 *in No.* 2.

FOURTEENTH MEETING.

AT THE BRITISH LEGATION AT 4.15 P.M., ON 3RD MAY, 1933.

Present:

Same persons as before.

Sir Andrew Ryan put forward the following alternative draft of Article 7 (Article 9 of the Final Draft) of the Treaty of Friendship:—

"Neither of the High Contracting Parties shall compel the subjects of the other Party to join any of its armed forces, regular or otherwise.

"Neither of the High Contracting Parties shall permit subjects of the other Party to enlist in his armed forces at any time after the entry into force of this Treaty, unless such person has accepted naturalization and expressed readiness to renounce his nationality of origin if required to do so by the Government of his country of origin. It is understood that the Government of his country of origin shall be free, in the event of his entry into that country, to deal with him in accordance with the laws of that country. The names of any naturalized persons enlisted after the entry into force of this Treaty shall be notified through the diplomatic channel to the Government of his country of origin."

Subject to covering authority from London, this draft was accepted.

Sir Andrew Ryan explained that importance was attached to limiting the subjects which one Party might refer to arbitration without the agreement of the other, and put forward the following tentative draft of Article 14 (Article 12 of the Final Draft):—

"(*a*) Either of the High Contracting Parties may submit to arbitration any difference which may arise between them, and which it has not been possible to settle by diplomatic means, regarding the interpretation and execution of the following, namely, Articles 4, 5, 8, and 13 of the Hadda Agreement, in so far as these continue in force. And Articles 5 (*c*), 6, 7, 11, and 12 of the present Treaty.

"(*b*) The High Contracting Parties may agree to submit to arbitration any other question, not being a question relative to the legal boundaries

* Not printed.

of their respective territories, which may arise between them regarding the interpretation or execution of the present Treaty or any other agreements governing their relations and which it has not been possible to settle by diplomatic means.

"(*c*) Arbitration, in pursuance of paragraphs (*a*) and (*b*) of this article shall be conducted in accordance with the protocol annexed to this Treaty."

Fuad Bey stated that in the opinion of the Saudi delegates arbitration should be always by agreement between the Parties or always at the will of the other Party and that in their view the first of these alternatives was preferable.

This view accorded with our own and after some discussion the text as shown in Article 12 of Appendix "I"* was agreed upon.

Fuad Bey informed Sir Andrew Ryan privately that the Saudi delegates are ready to accept the Preamble on the basis that in the Trans-Jordan copy of the Treaty the Amir's name comes first, whilst in the Saudi copy Ibn Saud's name will come first.

The Arbitration Protocol was then discussed and agreement was reached on the text of all articles as shown in the draft marked Appendix "I"*.

Enclosure 15 *in No.* 2.

FIFTEENTH MEETING.

AT THE BRITISH LEGATION AT 11 A.M. ON THE 4TH MAY, 1933.

Present:

Same persons as before.

Sir Andrew Ryan said that His Majesty's Government supported the Trans-Jordan Government in considering the Saudi draft of Article 2 of the Treaty of Friendship (*vide* Report of the 8th meeting) inacceptable.

He could, he added, propose with almost full authority that Article 2 be omitted and that he (His Majesty's Minister in Jedda) should, after the signature of the Treaty, address a diplomatic note to the Saudi Minister of Foreign Affairs informing him that it is agreed that representation of the diplomatic interests of Saudi Arabia in Trans-Jordan shall be exercised by the Saudi Diplomatic Representative in the United Kingdom, and of their consular interests by their Consul at Amman, on the understanding that the Trans-Jordan Government may appoint a Consul at Jedda. He explained that the note being a diplomatic document over his signature could only be published, according to the usual practice, in agreement between the two Governments.

Fuad Bey remarked that the note did not indicate in what manner the representation of the diplomatic interests of Trans-Jordan would be exercised in Saudi Arabia, and was informed that they would continue to be exercised as at present.

Sir Andrew Ryan explained that no mention was made of the manner in which these interests would be exercised because, as already had been made clear, we must insist on the Amir's equality of status; he added that if the Treaty is not signed before the Mission leaves Jedda it must be clearly understood that no retreat from this position can be contemplated.

Fuad Bey inquired how the diplomatic and consular representation of Trans-Jordan would be exercised in Saudi Arabia. He asked whether, since the diplomatic note emanated from a British authority, the Representative of the Trans-Jordan Government would be prepared to give a written statement accepting the arrangement. He said that he wished that equality, about which much had been said, should be recognized, but that the only way of recognizing it appeared to be that each Party to the Treaty should

* Not printed.

make it known that it has been agreed that Diplomatic and Consular Representatives of either country should be established in the territory of the other.

Sir Andrew Ryan replied that the interests of Trans-Jordan would be cared for by the Representative of His Majesty's Government for so long as the present arrangements between Trans-Jordan and His Majesty's Government persist. These arrangements are described in a public document. He said that Fuad Bey's questions *re* the concurrence of the Trans-Jordan Representative appeared strange, as it was clearly stated in the note he had handed to Fuad Bey that the Amir concurs. He added that the fact that the Amir has a special arrangement in regard to the conduct of his foreign relations does not detract from the international principle of the equality of rulers.

Sheikh Yusef Yassin said Sir Andrew Ryan seemed to have rejected the Saudi draft of Article 2 and inquired whether the note Sir Andrew Ryan proposed should be written was an official one.

Sir Andrew Ryan replied that both His Majesty's Government and the Trans-Jordan Government had most certainly rejected the Saudi draft and that, as regards his note, the proposal made was that, as a result of agreement reached in these discussions, he should write a note which would not be private, but would be an official diplomatic note and, as such, might not be published.

Sheikh Yusef was evidently concerned as to the manner in which he might deal with the Press and asked whether, in the circumstances envisaged, he would be at liberty to answer a question regarding the relations between Trans-Jordan and Saudi Arabia.

Sir Andrew Ryan replied that he would expect a Government so discreet as Yusef Yassin's to be able to make the necessary explanation within the limits of an honourable understanding. He added that the proposal had been made solely to suit the Saudi delegates; from our point of view it would be much better to leave out Article 2 entirely, as had already been suggested, but that would not meet the Saudi requirement regarding consular representation in Trans-Jordan.

Fuad Bey promised to study the proposal and suggested an examination of the points outstanding in the memorandum which had been submitted by him at the 1st meeting.

Considerable discussion took place over the first point in that memorandum, namely, the final determination of the frontier with the Hedjaz and the delimination of the frontier with Nejd.

Taufiq Bey Aboul Houda found himself unable to endorse the principle that the settlement of these questions was the concern of His Majesty's Government alone in consultation with the Government of Saudi Arabia.

Sheikh Yusef Yassin agreed that the southern frontier was outside the scope of the Conference and, though he thought the Trans-Jordan Nejd frontier was within the scope of the Conference, he was prepared to leave the matter to a future date, though he would like to know how any difficulties which might arise could be discussed and solved.

Sir Andrew Ryan maintained that any matter dealing with the settlement of either frontier was definitely outside the scope of the Conference and said that Taufiq Bey had rightly pointed out that, the matter being outside the scope of the Conference, we could not decide how to deal with it.

Fuad Bey then requested that this should be the subject of an agreed minute but suggested that it should be drafted later and did not give way to Sir Andrew Ryan's repeated suggestion that it would be better to draft the minute at once. (The matter was not again referred to before the Mission left on the 5th May, 1933).

Colonel Cox suggested that more rapid progress might be made if drafts of our proposals in regard to nationality and of a schedule which had

been prepared for attachment to the Treaty and which dealt with a number of points mentioned in Fuad Bey's memorandum were handed over. Any points in the memorandum thus left outstanding could be examined.

This proposal was agreed to and the note* relating to nationality was handed over. (Copy attached hereto marked Appendix " F ".)

Before the meeting rose Sir Andrew Ryan expressed the hope that Article 2 should not be left outstanding as the matter was one which might give rise to serious difficulty.

Fuad Bey asked the opposite delegates to make their comments on a draft *communiqué* which the Saudi Government proposed to make to the Press.

Enclosure 16 *in No.* 2.

SIXTEENTH AND FINAL MEETING.

AT THE BRITISH LEGATION AT 5.0 P.M., ON 4TH MAY, 1933.

Present:

Same persons as before.

Fuad Bey inquired whether the draft Press *communiqué*, submitted by him at the last meeting, had been studied.

Sir Andrew Ryan thereupon handed back the Saudi draft, with the alterations made therein by himself and the Trans-Jordan Delegation, pointing out at the same time that the *communiqué* was of course a Saudi document, not a joint statement. Had it been a British *communiqué*, he would have had to alter the designation of the British Government. As it was, only a minor alteration had been made to define more accurately the relative roles of Colonel Cox, Taufiq Bey, and Captain Glubb.

Fuad Bey said that he had no objection to the alterations suggested. A copy of the final draft† is attached marked Appendix " G ".

Fuad Bey then stated that he had submitted to the King the proposal to omit Article 2 of the draft Treaty of *Bon Voisinage* and that, in lieu thereof, Sir Andrew Ryan should write a note to the Saudi Government, explaining the arrangements for diplomatic and consular representation. Fuad Bey said that, in this connexion, he would like to state that the King had not, and never had entertained, any intention to lessen the prestige of His Highness the Amir.

Fuad Bey was now able to state that the Saudi Government accepted the proposal to delete Article 2, and accept, in lieu of it a diplomatic note from Sir Andrew Ryan.

Sir Andrew Ryan and Taufiq Bey expressed their appreciation.

Returning to the draft Saudi Press *communiqué*, Fuad Bey inquired whether it was not possible to fix the month when negotiations would be resumed in Jerusalem. Sir Andrew Ryan thought that this would be difficult. A suggestion to employ the phrase " in the coming summer " was rejected by the Saudi delegates and eventually the phrase " at an early date " was adopted.

The draft letter, submitted by the Trans-Jordan Delegation, dealing with the nationality of tribes,* of which a copy is attached marked Appendix " F ", was then discussed.

The Saudi delegates took strong exception to the suggestion that the proposed division of tribes by nationalities should be reconsidered after three years. Sheikh Yusef Yassin insisted that any agreed on division must be for all time, and that the Saudi Government would not agree to reconsider it either after three years, nor after fifty years or one hundred years.

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* Enclosure 7 in No. 1. † Not printed.

Fuad Bey stated that "We" (it was not clear whether he meant Europeans in general or the present Delegation) had forced European ideas on "Them" in many ways, but now, in the present case, they themselves were desirous of accepting the European standpoint.

Sir Andrew Ryan pointed out that the question of nationality in European law depended on birth, descent, and so on, and was completely inapplicable to Beduin conditions.

Captain Glubb pointed out that the need for periodical revision was due to the continual migration of tribes to the northern Arab countries: Egypt, Palestine, Trans-Jordan, Syria, and 'Iraq. This process which had been going on for perhaps 5,000 years had recently been more rapid and could not be stopped. He quoted certain examples of recent migrations from the Hedjaz to Sinai, Palestine, and Syria.

Fuad Bey agreed that this process had been going on for thousands of years, but said that any Saudi tribesman who emigrated could be naturalized in this new country of residence as an individual.

Sheikh Yusef Yassin, however, intervened to say that such a person would be regarded in Saudi Arabia as an apostate from the Moslem religion, and that, if he were to be found in that country, he would be dealt with as a criminal. The penalty under Sharia law, for apostasy, was, he stated, decapitation and confiscation of all property to the State Treasury.

It was agreed, for the moment, to leave the question of the permanency of the contemplated division, and to consider the remainder of the Trans-Jordan proposals.

Considering the list of tribes proposed as being of Trans-Jordan nationality, Fuad Bey inquired why Audah el Atnah was not a Trans-Jordanian if the remainder of the Atoon were.

Sir Andrew Ryan referred to certain past correspondence in which His Majesty's Government had informed the Saudi Government that Audah was not considered as a Trans-Jordanian.

Fuad Bey replied that the Saudi Government were prepared to recognize all the Atoon as Trans-Jordanians, including Audah al Atnah.

Fuad Bey appeared to be somewhat suspicious of the phrase "without prejudice to any alteration in their judicial status which might result from a final settlement of the question of sovereignty over the Ma'an-Aqaba area". He inquired the meaning of this statement and the object of its insertion.

Sir Andrew replied that it had been inserted solely in deference to his (Fuad's) own wishes, expressed in conversation to Sir Andrew Ryan two days before. On hearing this, Fuad Bey agreed that its retention was necessary.

The Saudi Delegation agreed, subject to the above proviso, to the allotment of the Howeitat ash-Shimal and the Beni Sakhr to Trans-Jordan. On reaching the name Sirhan, Fuad Bey produced a slip of paper which he studied. He then inquired where these Sirhan lived, as there were also some Saudi tribes called Sirhan.

Captain Glubb replied that they camped principally between Amman and the Syrian frontier. Some were settled as fellaheen in this area while others moved into the desert in winter.

Fuad Bey inquired the names of their Sheikhs.

Captain Glubb quoted the names of Ibn Ka'iber, Ibn Bali, and Ibn Rafa'. As the names were mentioned Fuad Bey appeared to be ticking them off on his slip of paper, and then he himself added Ibn Khushman and Ibn May'uf. He then stated that all these persons were Saudi subjects

and in receipt of pay from the King. The Trans-Jordan delegates expressed intense surprise at this unprecedented claim.

Captain Glubb inquired on what grounds it was based.

Fuad Bey replied that they owned date gardens in the Wadi Sirhan.

Captain Glubb answered that some of them including their paramount Sheikh, Ibn Ka'iber, were actually fellaheen settled in villages in the Ajlun district.

Here Sheikh Yusef Yassin again intervened, and said that, if any of the Sirhan settled in Trans-Jordan, they would be treated in Saudi Arabia as apostates, and that the Saudi Government would confiscate their shares in date gardens in the Wadi Sirhan.

Captain Glubb inquired whether this would not be a breach of Article 4 of the Hadda Agreement in which the established rights of tribesmen in the Wadi Sirhan were guaranteed.

Fuad Bey immediately replied that the provision in the Hadda Agreement applied only to Trans-Jordan subjects who owned property in the Wadi Sirhan, but, as the Sirhan were Saudi subjects, the Government was free to confiscate their property.

Fuad Bey then stated that the Saudi Government would never agree that any part of the Umran were Trans-Jordanians. Sheikh Yusef re-echoed the words "Never! Never! Quite impossible!"

Captain Glubb pointed out that the sections mentioned spent most of their time in Trans-Jordan.

Sheikh Yusef remarked acidly that they had probably been in Trans-Jordan since the Ibn Rafada affair.

The Saudi delegates inquired who the Isa were, and whether it was not desired to include the Beni Hassan.

Captain Glubb explained the identity of the Isa, and pointed out that the Beni Hassan were fellaheen. Only Beduin tribes had been named. On second thoughts, however, the names of the Hajaya and Beni Khalid might be inserted. The inclusion of Isa, Hajaya, and Beni Khalid was agreed to.

The Saudi delegates then stated that all Sherarat were Saudi subjects.

Captain Glubb pointed out that the Sherarat were not a normal Beduin tribe. They were regarded by Beduins as of ignoble birth, and could be found distributed amongst all the Beduin tribes of Trans-Jordan, Syria, and so on.

Fuad Bey replied that he was aware that the Sherarat were of inferior social status, but that did not weaken the Saudi claim. The Saudi Government would raise no objection against Sherarat camping with other tribes, but they would always adhere to their claim that they were Saudis, no matter for how long they remained in other countries.

The Saudi delegates then stated that all Beni Atiya were their subjects.

Captain Glubb pointed out that some Beni Atiya had been in Kerak for long periods and even owned land. The Saudis, however, replied that this fact made no difference. However long they remained in Trans-Jordan, the Saudi Government would never agree to their being Trans-Jordanians.

Fuad Bey then enquired whether the Trans-Jordan Government intended to claim Ibn Ferhan, Abu Dmaik, and Ibn Hermas as Trans-Jordanians.

Captain Glubb replied in the negative as far as concerned Ibn Ferhan and Ibn Hermas, but in the affirmative regarding Abu Dmaik.

It was then debated whether discussion should continue diplomatically through Sir Andrew Ryan, regarding matters on which no agreement had been reached, or whether negotiations should cease entirely until the

Jerusalem meeting. It was generally agreed that it would be preferable to continue negotiations through diplomatic channels pending the Jerusalem meeting. It was pointed out that a break down at Jerusalem would be most unfortunate, and hence it would be advisable, before meeting there, to carry forward negotiations on outstanding differences until it appeared fairly certain that agreement would finally be reached at Jerusalem.

Final speeches of thanks and appreciation were then given and replied to by both Delegations.

The Arabic versions of the agreed draft Treaty of Friendship and the agreed draft Arbitration Protocol were checked by Taufiq Bey and Fuad Bey before the opening of the 15th meeting.

Subsequent to this check it was stated by the Saudi delegates, as recorded above, that they agreed to the deletion of Article 2 of the Treaty of Friendship and it thus became necessary to re-number the Articles of this draft.

The final agreed drafts and their translations into English are attached and marked as follows:—

Treaty of Friendship in Arabic* marked	Appendix "H".
Treaty of Friendship in English†	Appendix "I".
Arbitration Protocol in Arabic*	Appendix "K".
Arbitration Protocol in English‡	Appendix "L".

Mr. A. C. Oppenheim, of the Consular Staff, acted as Secretary during meetings whilst Ismail Effendi acted as Interpreter. The very hard work put in by these gentlemen made it possible to get through a much larger volume of work and to keep the records in order.

APPENDIX "Z".

Summary Record of the main points discussed in Sir Andrew Ryan's personal conversation with Fuad Bey Hamza at the Kharijiya on the morning of 28th April.

Fuad Bey told me that he was going later in the day to Mecca to report to the King. I gave him a copy of the Arabic "stock-taking" draft which I had prepared to show the present position as regards Articles 1 to 10 of the draft Treaty of Friendship and *Bon Voisinage*. We talked over various points which had arisen in the course of the negotiations up to date.

Treaty of Friendship and Bon Voisinage. Preamble.—The Saudi delegates had reserved this and Article 2 for informal discussion. Fuad Bey referred to criticism of the recognition arranged in the Arab Press. It had been suggested that the whole thing was engineered by His Majesty's Government for their own purposes. He said that his Government were not influenced in their course of action by such opinions but that they must consider outside reactions. He suggested that, as the Amir Abdullah was not really independent and as Ibn Saud was infinitely the greater personage, one of the two courses should be followed, either that His Majesty's Government and Trans-Jordan should conclude the Treaties jointly or that Ibn Saud's name should come first in both copies of the Treaty. I took the line that the first alternative would be contrary to the agreed programme and that such a procedure would make it necessary to do all the work we had done over again. As regards the second alternative I reproached Fuad Bey with always harping on the idea that the Amir was not a ruler. I said that, although he was subject to limitations we could only treat him as a ruler; and that I believed that His Majesty's Government would rather have no treaties at all than countenance any disrespect of his position as such. I said that I would consult Taufiq Bey Aboul Houda, but that, so

* Not reproduced. † Enclosure 3 in No. 1. ‡ Enclosure 4 in No. 1.

far as I was concerned, I could not submit his suggestions to my Government unless they were made a *sine qua non* on the Saudi side. In that case it would be my duty to submit the matter for instructions but I was morally certain that my instructions would be to reject them. If the matter were pursued, it would, I thought, destroy such hope as existed of signing treaties before the mission left.

Article 2.—Fuad Bey said, with great gravity, that insistence on Article 2 in its present form would wreck the negotiations, as the wording would suggest that Ibn Saud had accepted a position *vis-à-vis* of His Majesty's Government analogous to that of the Amîr. I said that the draft of this article had been prepared in London. It could not I thought be misunderstood in any European quarter, but I realized that its meaning might be twisted by ill-disposed Arab journalists. I was therefore ready to seek some alternative drafting which would meet his difficulty. In the course of this discussion Fuad Bey reverted to the wish of the Saudi Government to have some sort of representation in Trans-Jordan. He suggested that the Article might provide for the representation of Trans-Jordan here by the British Representative here and for Saudi representation in Trans-Jordan. I stressed the points that any Saudi representation at Amman could only be consular and that any clause in the Treaty must be expressive of equality. I asked whether, if we agreed to Saudi representation in Trans-Jordan and if His Majesty's Government were ready to authorize the appointment of a consular representative in Mecca or Jedda, the Saudi Government would assent. Fuad Bey said that, in those conditions, his Government would accept a representative at Jedda. I promised to consider the subject further in consultation with Colonel Cox and Taufiq Bey. Fuad Bey mentioned that some arrangements had been made in the past to allow the Saudi Representative in Damascus, then an agent, to be in some way recognized in Palestine, but he was unable to give me particulars.

Article 5.—I told Fuad Bey that we had been working on a proposal in regard to the suggested procedure for the return of loot. We were considering, I said, a form of certificate to be given when loot was returned, but had not been able to give final shape to our proposal owing to Taufiq Bey's departure for Mecca on 28th April. I said that we hope to be able to make a definite suggestion on his return.

Article 6.—I said that I wished to make it clear that our consent to the addition relative to Article 13 of the Hadda Agreement merely implied an affirmation that it remained in force *with its effects*, as to the nature of which some doubt had arisen. I said that we should be quite willing at a suitable moment during the conference to discuss the doubtful points. Fuad Bey and I had a general exchange of views about these but it was of too preliminary a nature to be worth recording.

Nationality.—I said that we had foreseen the importance of finding some means of determining the nationality of tribes. Fuad Bey had also dealt with this in the memorandum which he put in on 23rd April. It was therefore agreed that, as ordinary legal criteria could not be applied, some solution must be found, if treaties which referred constantly to nationality were to be workable. Our idea, I explained, was to attempt a division of tribes. Certain tribes would be thought to be allocated to one side or the other, but we had come up against three difficult ones so far.

I spoke first of the Atoon. I reverted to the effect of Sir G. Clayton's concession in regard to Auda al Atna, about whom Captain Glubb would supply further explanations. I noted, I said, that in his memorandum Fuad Bey spoke of the Atoon as a section of the Beni Atiya. At this point Fuad Bey said that it was not only a question of the Beni Atiya. Even the Howeitat must be regarded as being in dispute, as the Saudi Government maintained their claim to Ma'an and Aqaba. I suggested that he was introducing a different consideration from those which we had had in

mind. I agreed that the Saudi Government had maintained a juridical claim to the area in which the Howeitat Ibn Jazi had their main habitat but that the area was administered by Trans-Jordan. It would in my opinion be a matter of finding a form of words to cover this peculiar situation.

We digressed into a discussion of the possibility of the Ma'an-Aqaba question being reopened. I am reporting this portion of the conversation in a separate despatch.

I passed to the Beni Atiya. I mentioned the reluctance of the Trans-Jordan Government in the past to commit themselves regarding this tribe. We had wished to clear the situation up and were now prepared to admit that the bulk of the tribe, namely, those who had entered Saudi Arabia at the instance of the authorities in Trans-Jordan in the latter part of last year were Saudi subjects. There might be some others still in Trans-Jordan who were also Saudi, but the majority were people settled there as agriculturists or engaged in grazing in Trans-Jordan only. We would make, I said, a proposal which would do justice to the Saudi view, but under which the category I had mentioned would be regarded as Trans-Jordanian. I went into the particular case of Karayim ibn Atiya, a man who might have claimed Trans-Jordanian status but whose recent double-dealing deprived him, in my personal opinion, of any further claim to it.

When I mentioned the Sherarat, as a third doubtful category, Fuad Bey expressed surprise. I said that there was no ground for it, as the Sherarat were notoriously a people apart, having I understood no *dira* and being always in some sense the guests of the recognized tribes among whom they sojourned. I foreshadowed explanations by Captain Glubb.

Duration of Treaty.—I said that Fuad Bey had passed an anticipatory remark on our proposal to limit the duration of the Treaties to three years. I explained that we did not wish to impair the permanence of the friendship provided for but that His Majesty's Government were basing their promised guarantee on a Mandatory position, which might be terminable and on a Treaty with the Amir which might be revised. They could not look too far ahead in an evolving Arab world. Fuad Bey remarked that the Hadda Agreement was for the duration of the Mandate. I asked whether a similar stipulation in the new Treaties would suit his Government better. I left him to ponder this question, with a hint that it might suit *us* better, if it suited him, but I did not commit His Majesty's Government or Trans-Jordan.

17776/2/33 [No. 210A].

No. 3.

Despatch from His Majesty's Representative, Jedda, to the Secretary of State for Foreign Affairs.

(*Copy received in Colonial Office, 22nd July*, 1933.)

BRITISH LEGATION,
JEDDA.
30th May, 1933.

(No. 161.)

SIR,

In my despatch No. 131 of 8th May,* I furnished a general report on the progress made in connexion with the Treaty negotiations between Saudi Arabia and Trans-Jordan up to 8th May, the

* No. 1.

day of the departure of the Trans-Jordan mission. It will be useful now to supplement this by sending you a shorter but comprehensive account of my conversations with Fuad Bey Hamza since that date.

2. I enclose copies of two memoranda showing the principal points that emerged from my meetings with Fuad Bey on 13th May, 20th May and 27th May. The second of these memoranda is not necessarily in final form as owing to the technical and delicate character of some of the matters discussed, I thought it as well to ask Fuad Bey whether he concurred in my record of our conversation of 27th May. If it should require substantial alteration I will inform you and the Acting High Commissioner by telegraph, but I do not think this will be necessary.

3. You will see that considerable progress has been made towards an understanding of principle on various points which have been considered in connexion with the Treaty settlement. I still do not know what other points Fuad Bey may have to raise (see paragraphs 18 ff. of my despatch No. 131 of 8th May) but his general attitude encourages me to hope that they will give no great trouble. Indeed, if we were nearer a complete solution of the thorny question of tribal nationality, I would be fairly confident of our being able to go to Jerusalem in the second half of July with an assured prospect of seeing the Treaty, etc., signed.

4. I enclose a translation of the draft letter regarding arrangements for meetings of special officers which Fuad Bey handed to me on 27th May. I propose to discuss this draft with him at our next meeting.

5. As regards the proposed Schedule of Rules for special officers to be attached to the Treaty, you will see that three outstanding points are " Wisaqa ", claims in connextion with past raids, and " Dia ". As His Majesty's Government themselves deprecated the principle of " wisaqa ", better known to them as retaliatory confiscation a couple of years ago, I presume that this will present little difficulty. Fuad Bey freely admitted that no live stock which had changed hands in the period covered by Mr. MacDonnell's award could be deemed as Araif. I think he will accept the same principle if, when the Treaty is signed, it is agreed to cancel all claims in respect of raids from 1st August, 1930, up to date. I hinted to Fuad Bey that we had in mind some attempt to dispose of these claims, but I did not go into details. As regards " Dia " I can form no opinion on the acceptability of Fuad Bey's proposal in connexion therewith.

6. I propose to address to the Acting High Commissioner a separate despatch regarding the operation of Article 13 of the Hadda Agreement, but you will see from the record of my meeting with Fuad Bey of 27th May that we have eliminated this subject from the framework of the text now contemplated.

7. I enclose a draft note regarding the crossing of the Saudi frontier by officers in the British service in Trans-Jordan. I sent this draft to Fuad Bey on 28th May. I have not yet had his views upon it.

8. I trust that His Majesty's Government will feel able to agree to the reservation attached by Ibn Saud to his acceptance of the principle that the British note guaranteeing the fulfilment of their treaty obligations by the Amir and Government of Trans-Jordan shall not be published as part of the Treaty settlement. I consider that the King has behaved handsomely in not holding His Majesty's Government to publication, and I doubt whether the contingency in which he says he would be free to publish it is very likely to arise.

9. I am sending a copy of this despatch and enclosures to the Acting High Commissioner for Trans-Jordan, Jerusalem.

I have, &c.,

ANDREW RYAN.

Enclosure 1 *in No.* 3.

MEMORANDUM.

I handed to Fuad Bey on 13th May, unofficially, the following suggested plan for completion of Saudi—Trans-Jordan Treaty settlement.

A. Saudi—Trans-Jordan texts already practically completed:
1. Treaty of Friendship and *Bon Voisinage*.
2. Arbitration Protocol.

B. Saudi—Trans-Jordan texts still to be drafted:
3. Attached letters on Tribal nationality.
4. Attached letters regarding meetings of special officers.
5. Schedule to Treaty embodying general rules to be observed by special officers.
6. Attached letters regarding application of Article 13 of Hadda Agreement.

C. Saudi British notes:
7. Note on diplomatic and consular representation.
8. Note regarding crossing of frontier by officers in British service in Trans-Jordan.
9. Notes on position as regards fulfilment of obligations.

This is the plan referred to in my telegrams to Foreign Office Nos. 96 and 97 of 14th May, but it must be noted that Nos. 3 to 9 in this version correspond with Nos. 1 to 7 in telegram No. 97.

Fuad Bey and I agreed on 19th May to take it as a basis for our conversations, reserving any other points which might still arise on Fuad Bey's memorandum of 23rd April. The general position reached yesterday was as follows:—

B.3. Discussed generally with some approach to a reduction of the area of controversy revealed at the last meeting of the conference.

B.4. Fuad Bey will propose a draft.

B.5. Fuad Bey agreed in general terms to the proposal and I promised to let him have to-day the draft left by the mission.

B.6. I undertook to prepare a draft letter on this, if Fuad would let me know definitely, as he promised to do, whether the Saudi Arab Government wished to deal with this in connexion with the Treaty settlement or would prefer to leave it over. I hinted privately and as from myself only at the possibility of an arrangement for trade between Trans-Jordan and Saudi Arabia.

B.7. Fuad Bey said that my draft note was acceptable.

B.8. I undertook to arrange the terms of this with His Majesty's Government and the High Commissioner as soon as possible.

B.9. I explained the views of His Majesty's Government to Fuad Bey, saying that there were two points (1) simultaneity and (2) publicity. I suggested that any technical difficulty regarding (1) could be overcome and urged that the Saudi Arab Government should not press for publicity for reasons which I stated frankly.

(Intld.) A.R.

20th May, 1933.

Enclosure 2 *in No.* 3.

NEGOTIATIONS FOR SAUDI—TRANS-JORDAN TREATY.

Fuad Bey and I resumed our discussion of outstanding points on 27th May, taking them in the order of the plan drawn up on 13th May, as follows:—

B.4. Fuad Bey handed me a draft letter about meetings of special officers. I agreed to study this.

B. 5. It was agreed generally that portions of the proposed texts agreed to in principle would require drafting alterations, which were, however, unlikely to cause difficulty and might conveniently be made at the Jerusalem meeting. Subject to this the results of the discussion were as follows:—

Additional Article in Treaty. Agreed in principle.

Rule 1. Agreed in principle.

Rule 2. Wisaqa. Fuad Bey explained that, in his view, the word Wisaqa applied in the present connexion only to possible seizures of property on one side of the frontier in order to bring about the return of property believed to be held unlawfully on the other side. It did not apply to any seizure of property by a special officer in the course of proceedings in his own area intended to bring about the return of loot in the possession of persons in that (i.e., his own) area. Fuad Bey considered that there should be no Wisaqa. He suggested that the rule should define Wisaqa in the sense he had indicated and should prohibit recourse to it whether by officials or by aggrieved persons. He argued that to authorize seizures by way of Wisaqa would be contrary to the object of the Treaty, the intention of which was that any recovery of loot should be effected by the special officer in whose area it was and that the special officer on the other side should not interfere, as he would be doing if he seized other property in his own area by way of security for the return of property unlawfully held on the other side. I suggested that an officer doing so would in fact be promoting the efforts of the officer on the other side. Fuad Bey demurred to this.

Rule 5. *Araif.* We discussed the intention of the present draft. We agreed that it might be defined thus:—If it were claimed that loot seized after a raid was not returnable to the victims of the raid because it was Araif captured in an earlier raid, the claim

should not be entertained, if the loot captured in the earlier raid had been completely dealt with as provided in the Treaty. If, however, the loot captured in the earlier raid had not been returned in full and if any part of it were still in the unlawful possession of the victims of the later raid, a claim by the authors of the later raid that it should be handed over to them as being Araif might be entertained by the special officer responsible, subject to any necessary exchange of views between the special officers.

Fuad Bey agreed to this in principle as a means of dealing with cases of Araif arising after the entry into force of the Treaty. He suggested that the rule should include provision for two part periods. It should provide that no claims to Araif could be made in respect of raids covered by the MacDonnell award. It should also provide for dealing with the period from 1st August, 1930, up to the entry into force of the Treaty in whatever manner might fit in with any general settlement in respect of raids during that period. I expressed the hope that when the Treaty was signed means might be found to dispose of all raids up to date. I was doubtful as to whether the termination of the period should be the date of signature of the Treaty or the date of its entry into force. We agreed to postpone these points.

Rule 4. I explained that the intention of the exception in the rule as drafted was to exclude any claim to Dia by the relatives of a person who had been guilty of aggression and had himself been killed. Fuad Bey agreed to this in principle. He suggested that the Dia payable in all other cases should be from 800 to 1,000 riyals in accordance with the Shari'a law, as now applied throughout Saudi Arabia. He suggested that a gold equivalent might be specified instead of riyals. I reserved the question of the scale of Dia for expert opinion.

Rule 5. *Compensation.*—Agreed in principle.

Rule 6. *Khidma and other expenses.*—Agreed in principle.

Rule 7. Agreed in principle subject to the substitution of the words "competent authority" for "competent tribunal" at the end. Fuad Bey preferred the altered wording and I said I thought there would be no objection.

B.6. Fuad Bey said that his Government would have no objection to an examination of Article 13 with a view to determining its application in the case of exceptional goods, e.g., arms and ammunition, the traffic in which the Saudi Government wished to discourage, provided that their position in regard to arms, &c., consigned to themselves and the rights of tribesmen, &c., carrying arms for their protection were not impaired. He suggested that the matter should not be dealt with as a part of the Treaty settlement, but might be considered separately, perhaps in conjunction with other economic questions. I agreed generally, but proposed that I should continue to study the matter in consultation with Trans-Jordan, so that advantage might be taken of Fuad Bey's visit to Jerusalem to size up the position. Fuad Bey renewed an earlier request for copies of the Trans-Jordan regulations bearing on the subject, which Colonel Cox had said he could supply.

C.8. I told Fuad Bey that I had been authorized to draft a note in the sense desired by his Government and would do so as soon as possible. We postponed the question of the exact procedure in regard to this and the note contemplated at C.9 in order to make them simultaneous with the signature of the Treaty.

C.9. Fuad Bey said that the King was willing that the guarantee promised by His Majesty's Government in the United Kingdom should be in the form of a diplomatic note, not for publication, subject to the

reservation that, if an occasion arose later when it was necessary to publish diplomatic correspondence in justification of views entertained by his Government regarding the fulfilment of the conditions of the Treaty, the Saudi Government would be free to publish the note in question.

Having thus completed our review of the matters included in the plan of 13th May, Fuad Bey and I reverted to the question of tribal nationality, but we had again to postpone the more difficult points still outstanding, notably the question of the Sirhan tribe.

(Intld.) A. R.

27th May, 1933.

Enclosure 3 *in No.* 3.

Ministry of Foreign Affairs,

Mecca.

27th May, 1933.

2nd Safar 1352.

(Translation.)

Proposed draft letter annexed to the Treaty of Friendship and Bon Voisinage between the Saudi Arab Kingdom and Trans-Jordan.

With reference to Article 4 of the Treaty of Friendship and *Bon Voisinage* which we have signed to-day, I have the honour to inform you of the following:

Firstly: The special officials nominated by the Government of His Majesty the King at present for the purpose of organizing the general co-operation in the zones neighbouring the frontiers between our respective countries are:

(*a*) Amir of Tabuk in cases relating to the area of the two Amaras of Tabuk and Dheba;

(*b*) Amir of Qarayât in cases relating to the area of Wâdî Sirhan;

(*c*) or any other official properly authorized by the two above-mentioned Amirs.

Secondly: The above-mentioned officials will be in a position to make use of the two wireless stations of Tabuk and Qarayât in sending and receiving the wireless messages which may be necessary to exchange between them and the official or officials who will be authorised by your Government to perform the reciprocal undertakings.

Thirdly: The meeting provided for in Article 7 of the Treaty of Friendship and *Bon Voisinage* will be held at each time in the place to be agreed upon between the officials concerned. My Government see no objection to the first meeting being held at Quarayât al Melh.

Fourthly: It is not necessary that both of the two Amirs of Tabuk and Qarayât should attend every meeting and either of them can act on behalf of the other for settlement of cases relating to him.

I shall be grateful if you will be good enough to inform me that you have taken note of the above mentioned and to furnish me with the names of the officials and the wireless stations appointed by your Government for the same purposes.

Enclosure 4 in No. 3.

Proposed draft of note to be addressed by His Majesty's High Commissioner or by Sir Andrew Ryan to the Saudi plenipotentiary on the date of signature of the Treaty of Friendship and Bon Voisinage between Saudi Arabia and Trans-Jordan.

YOUR EXCELLENCY,

After compliments,

With reference to Article (ii) of the Treaty of Friendship signed this day between His Majesty the King of Saudi Arabia and His Highness the Amir of Trans-Jordan, I have the honour to state, under instructions from His Majesty's Government in the United Kingdom, that they agree that the rule laid down in that article shall apply equally to officers in Trans-Jordan in the employment of His Majesty's Government in the United Kingdom.

17776/2/33 [No. 210B].

No. 4.

Despatch from His Majesty's Representative, Jedda, to the Secretary of State for Foreign Affairs.

(Copy received in Colonial Office, 22nd July, 1933.)

BRITISH LEGATION,
JEDDA.
6th June, 1933.

(No. 124.)

SIR,

With reference to paragraph 2 of my despatch No. 161 of 30th May,* relative to the Saudi-Trans-Jordan negotiations, I have the honour to state that, on 4th June, Fuad Bey Hamza expressed concurrence in my record of the results of our conversation of 27th May, subject to two observations only.

2. Fuad Bey said that when discussing " Wisaqa ", he had not intended to exclude from the full definition of that word seizures of property in a particular territory by the authorities of that territory in order to compel the return of other property unlawfully held therein. He considered that such seizures could be described as " Wisaqa " but that, as they were matters of domestic concern, they should not be dealt with in the Schedule to the projected Treaty. I agreed to replace the first three sentences of the portion of the record beginning " Rule 2 " by the following two sentences in which I have underlined the alterations:

" Fuad Bey explained that, in his view, the word Wisaqa should be confined for the present purpose to possible seizures of property on one side of the frontier in order to bring about the return of property believed to be held unlawfully on the other side and should not be held to apply to any seizure of property by a special officer in the course of proceedings in his own area, intended to bring about the return of loot in the possession of persons in that (i.e., his own) area. Fuad Bey considered that there should be no Wisaqa in the former sense."

3. Fuad Bey's second observation related to the paragraph in the record beginning " B.6 ". He said that the reference to the possible eventual settlement of other economic questions as well as those arising under Article 13 of the Hadda Agreement had not originated with him. I agreed that it arose out of a purely personal suggestion as to the possible utility of a more general commercial understanding at a later date which I had thrown out in conversation with Colonel Cox but had not had time to pursue and which I had mentioned in a similar way to Fuad Bey. I suggested that, as this was clearly understood, and as the object of the present record was merely to give the gist of a particular conversation, in which Fuad Bey had mentioned the matter, there was no need of amendment. Fuad Bey agreed.

4. As these matters do not affect the substance of the record in any way, I have not thought it necessary to telegraph about them.

5. I am sending a copy of this despatch to the Acting High Commissioner for Trans-Jordan, Jerusalem.

I have, &c.,

ANDREW RYAN.

17776/2/33 [No. 215].

No. 5.

Despatch from His Majesty's Representative, Jedda, to the High Commissioner, Trans-Jordan.

(Copy received in Colonial Office, 24th July, 1933.)

BRITISH LEGATION,
JEDDA.
30th June, 1933.

(No. 1831/254/272.)

SIR

With reference to the second paragraph (Head 1) of my telegram to Your Excellency No. 130 of 21st June, I have the honour to forward herewith copies of a letter and memorandum which I have addressed to Fuad Bey Hamza regarding the Sirhan tribe. The map* accompanying the memorandum is a reproduction of that attached to Captain Glubb's Report, enclosed in your despatch secret of 10th June.

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* No. 3.

* Not reproduced.

2. I trust that in condensing and combining in a single paper the material supplied by Colonel Cox and Captain Glubb I have not misrepresented them or missed any essential point. I have, however, reserved in my letter to Fuad Bey the right of the Trans-Jordan delegates at Jerusalem to amplify and, if necessary, correct the memorandum.

3. I have thought it desirable to limit the argumentation as far as possible to the Sirhan tribe. I have omitted any reference to the Akhwan attack on them in 1925, in case there should be any doubt as the record of an incident, the mention of which might be taken up by Ibn Saud as a challenge. Otherwise I have made full use, in an abbreviated form, of the material supplied in your despatch of 10th June. I have thought it well to reassert strongly at the end of my memorandum the general view of the Trans-Jordan Government and to throw the principal blame for the imbroglio on the Governor of Qaf. This is, I think, no more than the over-zealous man deserves and it may make it a little easier for the Saudi Government to recede from their position, if they are inclined to do so.

4. I am sending copies of this despatch and enclosures to His Majesty's Principal Secretary of State for Foreign Affairs.

I have, &c.,

ANDREW RYAN.

Enclosure in No. 5.

30th June, 1933.

My dear Fuad Bey,

I enclose herewith the memorandum on the Sirhan tribe, which I promised Your Excellency in our conversation on 20th June. I regret that it has been somewhat delayed, as I found it necessary to collate various papers and consult some of the books referred to in them. The Trans-Jordan delegates will be able to amplify, if necessary, the contents of the memorandum when we meet at Jerusalem. As your own evidence will not be available until then, I should like to reserve the right of my colleagues to correct any minor mistakes which I may have made in using their material, although on all the main lines my memorandum represents accurately the contentions on which the Trans-Jordan Government rely.

Yours, etc.,

ANDREW RYAN.

His Excellency,
Fuad Bey Hamza.

Memorandum on Sirhan Tribe.

The Sirhan tribe belong to the confederation called the Ahl-I-Shimal, a name which in this restricted sense is given at present to four tribes, viz., the Serdiya, the Isa, the Sirhan, and the Beni Sakhr. As these four tribes are allied and confederated the areas which they normally frequent

overlap a good deal but the attached sketch* shows as nearly as possible the relative positions of those areas.

2. The Sirhan were about 300 years ago the most powerful tribe in the Hauran area and held the leading place in the Ahl-I-Shimal group consisting at that time of the Sirhan, the Isa, and the Fuhaili. About that time another tribe, the Serdiya, acquired great strength in the area between the Belqa and Damascus. They eventually superseded the Sirhan as the principal tribe in the Hauran area. The war between the Serdiya and the Sirhan for supremacy there is well-known in history. The famous Sirhan chief Shafa' lost his life during this war and was buried a few miles west of Damascus, where his tomb is still well-known.

3. The Serdiya were apparently joined by the Isa and the Fuhaili and the Sirhan, though still powerful, were driven into the Eastern desert. They occupied Jauf and prepared to establish themselves definitely in that region. The occupation of Jauf is believed to have taken place about the year 1700 A.D. It is also stated that what is now the Wadi Sirhan was previously called the Wadi Asraq and was given its present name in consequence of its occupation by the Sirhan, but this is not certain.

4. Soon after the occupation of Jauf the Aneza Ajlas and other tribes moved northward in great numbers apparently from the Hejaz and made war on the Sirhan. The latter were helped by the Beni Sakhr, whose chief Muhammad Al Khuraisha was encamped at Gaza. This relieved the situation at Jauf to some extent but eventually the pressure of the Aneza compelled both the Sirhan and the Beni Sakhr to evacuate Jauf and withdraw to the Belqa, leaving behind some of the Sirhan tribe who had built houses and planted gardens and preferred to submit to the Aneza. The Aneza pursued the fugitives and defeated them and the other members of the Ahl-I-Shimal group at Muzeirib a little north of Irbid on the present frontier between Trans-Jordan and Syria. As a result of this defeat the Ahl-I-Shimal were scattered and large numbers of the defeated tribes including the Sirhan took refuge in Palestine. This battle is believed to have taken place between 1700 and 1750 A.D. It destroyed the importance of the Ahl-I-Shimal for a long time but they eventually began to recover, probably early in the following century and the confederation regained its strength on the east side of the Jordan, under the predominance of the Beni Sakhr. The Fuhaili and some of the Serdiya remained in Palestine, where their descendants still exist.

5. After the recovery of the Ahl-I-Shimal the main area frequented by the Sirhan lay between the pilgrim route corresponding to the Hejas railway, which was constructed later, and the valley of the Jordan. The European traveller, Burckhardt, who travelled in Arabia in 1814-15 mentions them as one of three tribes of free Arabs, the Beni Sakhr, the Sirhan, and the Beni Isa who generally encamped southward of the province of Djolan (see his "Notes on the Bedouins and the Wahabys" published in London in 1831, Vol. I, pp. 23 and 24). He writes more particularly of the Sirhan as follows:—"These generally encamp near the Beni Szakhr, with whom they live on good terms and unite with them against the Aenezes. Two centuries ago, the Sernhan were masters of the whole Hauran, but the Serdye drove them into the desert as far as Djof, where they remained starving with their cattle for twenty years: they then returned and joined Beni Szakhr," etc.

6. During the period following that at which Burckhardt was in Arabia the movements of the Ahl-I-Shimal were determined by the effects of the persistent hostility which continued to exist between them and the Aneza Ajlas. When the latter were far away they could move eastward and at

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* Not reproduced.

times they attacked their enemies, e.g., about 40 years ago Trad Ibn Zebn, a Sheykh of the Beni Sakhr, made himself famous by launching attacks by the Ahl-I-Shimal against the Nuwalla until the Nuwalla in their turn drove the Ahl-I-Shimal back to the Jordan valley. The habits of the Sirhan for many years past have been the resultant of this rivalry. During the greater part of the year they frequent the part of Trans-Jordan shown in the attached sketch. In the summer they do not camp east of the railway line but in the winter they go for grazing into the desert and range as far as certain parts of the Wadi Sirhan, thus exercising the rights maintained by Article 4 of the Rudda Agreement. Some years before the Great War the tribe was affected by another factor, namely the pressure brought to bear on them by the Vali of Damascus to settle down to cultivation. Five tracts of land were assigned to them to the west of the railway between Deraa and Mafrak. They have cultivated this land at various times and have shown a greater tendency to settle since 1926.

7. References to the Sirhan in recent works confirm the view that they are a Trans-Jordan tribe associated with the Belqa and the southern portion of the Hauran. Alois Musil mentions them several times in his contributions to the "Oriental Explorations and Studies" published by the American Geographical Society. All the references relative to recent years locate them in the area just mentioned. In 1905 they were near Kaer 'Amra (Vol. II, p. 343); in June, 1909, near the road from Azraq to Dera's (Vol. II, p. 321); and in December, 1909, at the southern foot of the Hauran north of Kaer 'Amra (Vol. I, p. 36). Nusil again mentions their presence on the south and south-west borders of the Hauran, with less precision as to dates, in Vol. VI, pp. 239, 415, and 491.

8. The connexion between the Sirhan and the area mentioned above is further proved by the investigations of British officers, conducted early in the Great War at a time when they could have had no interest in the matter except that of establishing facts. They described the Sirhan as being then "a small tribe scattered over the Belqa, the Jordan valley and the southern Hauran hills." The investigations in question confirm in various respects the account of the Sirhan given in this memorandum.

9. Mention is made above of the fact that before the Great War the Sirhan were subject to the authority of the Vali of Damascus. After the War their camels were counted by the Syrian authorities at Deraa. Since 1923 they have been counted each year by the Trans-Jordan authorities on the following months, May-June, 1923, June, 1924, April-May, 1925 and 1926, June, 1927, March, 1928, 1929, 1930, and April-May, 1931. Their connexion with the area adjoining the frontier between Trans-Jordan and Syria is further proved by the fact that they were concerned as complainants or accused parties in eleven claims in respect of alleged raids on that frontier in 1928 and 1929.

10. The above facts demonstrate very clearly that, although the Sirhan gave their name to the Wadi Sirhan, their connexion with that region lasted for only a short period some 200 years ago and that before and since that period they have always mainly frequented areas in what is now Trans-Jordan. Their real property rights in the Wadi Sirhan, which are maintained by Article 4 of the Hadda Agreement, are of an unusual nature and have an historical origin in their temporary establishment in and around Jauf. It has been said that when they were expelled, certain members of the tribe who had built houses and planted gardens remained behind and submitted to the Aneza Ajlas, who, being Beduin interested only in camels and grazing, did not interfere with their rights. These settlers were proud of their relationship with the main body of the Sirhan tribe and when communication was re-established admitted them to rights of joint ownership in their date gardens. These rights appear to have been

recognized until last winter, when the present Governor of Qaf informed the members of the tribe who had come to collect their shares that they would not be allowed to do so unless they declared themselves to be Saudi subjects. This same official has also during the last year refused the tribe access to their usual winter grazing in the Wadi Sirhan. He is also believed to have initiated the giving of presents on behalf of His Majesty King Abdul-Aziz to the Sheykhs of the tribe. This innovation cannot in any way affect the proved connexion of the Sirhan with Trans-Jordan nor can the Trans-Jordan Government possibly admit the right of the Governor of Qaf to deprive the tribe of the rights assured to them, both as regards grazing and ownership of property, by Article 4 of the Hadda Agreement. The High Commissioner and the British authorities in Trans-Jordan strongly support these views of the Trans-Jordan Government.

British Legation,

Jedda.

28th June, 1933.

17776/2/33 [No. 236].

No. 6.

Despatch from His Majesty's Representative, Jedda, to the Secretary of State for Foreign Affairs.

(*Copy received in Colonial Office* 16*th August*, 1933.)

FOREIGN OFFICE, S.W.1.

10*th August*, 1933.

SIR,

With reference to your unnumbered despatch of 20th July,* which I duly received at Jerusalem with the enclosed Full Power to enable me to perform certain acts in connexion with the recent Trans-Jordan—Saudi negotiations, I have the honour to submit a general report on the second stage of those negotiations, which were resumed at Jerusalem on 24th July and ended on 27th July. Before we separated, the Acting Political Resident in Trans-Jordan and I agreed that, in view of the nature of the proceedings, it was unnecessary to make a formal record of each meeting. We arranged that I should prepare the present report, leaving it to Mr. Kirkbride, in conjunction with the authorities at Jerusalem, to collect the various texts in due course for submission by the High Commissioner to the Colonial Office. The only texts attached to this despatch are copies of the notes† which I myself signed.

2. Fuad Bey Hamza and I arrived at Ramallah and Jerusalem respectively on 23rd July. Fuad Bey was the only Saudi plenipotentiary and was unattended by a secretary. The other participants in the negotiations were Mr. Kirkbride, Taufiq Bey

*17776/2/33 [No. 209]: not printed. † Not printed.

Abul Huda, now Acting Chief Minister of Trans-Jordan, Captain Glubb, and an interpreter from Ammân.

3. I saw the High Commissioner on the evening of 23rd July. He consented to open the proceedings formally the next day but preferred to leave it to Mr. Kirkbride and myself to conduct the actual discussions on the British side. His Excellency was good enough to allow us a very complete discretion, subject to strong insistence on the necessity for a satisfactory settlement of the question of the Sirhan tribe.

4. After the High Commissioner had opened the first meeting on 24th July, it was agreed that the only material points for discussion were :—

(*a*) tribal nationality, with special reference to the difficulties connected with the Sirhan, the Beni Atiya, the Imran, and the Sherarat; and

(*b*) the rules to be inserted in the Schedule to the Treaty of Friendship and *Bon Voisinage* regarding Wisaqa (retaliatory confiscation) and Dia (blood money), as well as the subsidiary point which Fuad Bey had raised with me in Jedda regarding an addition to the rule on Araif (camels recaptured by or on behalf of original owners from previous captors), in order to bar Araif claims in respect of past raids.

5. The only serious difficulty was that created by the Saudi claim to regard the Sirhan as Saudi nationals. At the first meeting Fuad Bey was very insistent on this claim. There was no difficulty on our side in conceding one of his points, namely, that descendants of the original Sirhan still settled in the Wadi Sirhan must be regarded as being Saudi and admitting that the question at issue related only to the nomadic Sirhan. Fuad Bey relaxed to the extent of admitting that most of the latter were Trans-Jordanian but he attempted to establish an analogy between the Sirhan and the Beni Atiya and he proposed to propound a reserved list of nomadic Sirhan in the same way that we had propounded a reserved list of Beni Atiya during the interval between the two stages of the conference. We asked what members of the nomadic Sirhan he wished to reserve and on what grounds. Fuad Bey promised to reply at the next meeting. As regards the Imran, he expressed readiness to give up the Debur section to Trans-Jordan. Otherwise this first discussion on tribal nationality was inconclusive, as both sides preferred to be non-committal.

6. We were more fortunate as regards Wisaqa and Dia. We agreed to accept the Saudi view that there should be no confiscation of live stock on either side of the frontier in order to enforce the restitution of animals believed to be unlawfully held on the other and to adopt an amended rule establishing this principle.

Fuad Bey agreed that Dia should be payable in camels at a normal rate of ten females of stated age, subject to provisions that no Dia should be payable in respect of the death of a person guilty of aggression and that the standard rate might be varied in accordance with tribal custom, when the claimants and the defendants agreed on a different rate. The point about Araif was left in suspense.

7. In the afternoon the British and Trans-Jordan delegates met. We agreed to abandon the Trans-Jordan claim to the Humaidat section of the Imran, thus leaving only one section in dispute. It was decided that the best tactical course would now be, subject to any statement by Fuad Bey, to isolate the case of the Sirhan by stating our position clearly in regard to the other disputed tribes.

8. At the second formal meeting on the morning of 25th July, Fuad Bey read a statement regarding the Sirhan. It expounded the general views of the Saudi Government and ended with an intimation that they would be prepared to produce their reserved list in due course but in the meantime claimed five persons and their families as well as two better known Sheykhs and their "groups." Taufiq Bey replied on lines which were perhaps too mild and too legalistic. I followed with a strong statement. I said that, although my role was that of mediator, I could not urge the Trans-Jordan Government to give way, as they had produced arguments based on evidence, which I had myself reviewed dispassionately, whereas Fuad Bey had produced a statement of alleged facts unsupported by a shred of evidence. I stated that the case of the Sirhan could not be dealt with by a mere reservation like the cases of other disputed tribes, because of the menace to their established rights in the Wadi Sirhan. I declared our views regarding the other disputed tribes and said that, if the conference were to break down on the single question of the Sirhan, I should place on record a statement of the reasons for my attitude. On this Fuad Bey expressed readiness to abandon the two persons with "groups" and to confine his reservation to the first five persons on the Saudi list. This satisfied the Trans-Jordan delegates and it was arranged that Mr. Kirkbride should fly over to Ammân in the afternoon to obtain the Amir's consent. This he obtained before evening.

9. At this same meeting Fuad Bey raised the question of the Ruwalla, a tribe who are in dispute between Saudi Arabia and the French in Syria. He was assured that Trans-Jordan raised no claim to them, but it was decided after some discussion that it would be preferable not to deal with the matter in a note for publication lest it should invite comment, e.g., in French circles. I offered instead to write myself a separate note stating the position. This was agreed to, *ad referendum*, as it was necessary to consult the High Commissioner and the Amir. They both concurred before next morning, subject to an observation by the Amir

that he would prefer the assurance to be given with reference to present conditions, so that he should not be tied in the event of any material change in the situation as regards the Ruwalla, e.g., the settlement of any portion of the tribe in Trans-Jordan.

10. These proceedings paved the way for a settlement of the question of tribal nationality by an exchange of notes recording the maximum of agreement possible together with reservations in regard to the now limited number of cases still in dispute. The range of these reservations and the form given to them will appear from the final texts. I need mention here only one other point, namely that at one moment Fuad Bey suggested that lists of reserved individuals should be discussed in detail after the conclusion of the Treaty. He selected from the list of reserved Beni Atiya, as a single example, the name of the notorious Selim Abu Dumeyk, whom he claimed as Saudi. On our side we resisted the proposal that any general discussion of the reserved lists should be undertaken once it had proved impossible to agree on the Treaty settlement itself regarding the persons concerned. We pointed out that, as reservations were being made, it would suffice to leave the parties free to invoke them in any concrete case, in which difficulty might arise owing to the disputed nationality of any individual on the lists.

11. In the course of the second meeting on 25th July, the British and Trans-Jordan delegates put forward a proposal for a reciprocal cancellation of claims in respect of raids from 1st August, 1930, up to the date of signature of the Treaty. It will be remembered that this proposal was approved by His Majesty's Government, with the concurrence of the Amir Abdullah during the first stage of the conference. It seemed advisable to propound it to the Saudi Government at this stage, both in order to bury the claims in question and to facilitate the settlement of the one remaining point connected with the Treaty settlement proper, namely the suggested addition to the rule on Araif. Fuad Bey received the proposal sympathetically but said that he must refer it to the King.

12. On the afternoon of 25th July, Fuad Bey lunched with my wife and myself and we had a long private conversation afterwards. So far as the Trans-Jordan negotiations were concerned, it bore principally on the British notes. Fuad Bey was chiefly worried over the possibility that the British guarantee of the fulfilment of Trans-Jordan obligations might be affected by a revision of the 1928 Treaty between Great Britain and Trans-Jordan or by the rumoured possibility that Trans-Jordan might be annexed to 'Iraq. I reassured him on the former point and dismissed the latter suggestion as fantastic for reasons which I elaborated in some detail. I encouraged him to question the High Commissioner, with whom he was to dine privately that evening, on these subjects; and I agreed to his suggestion that he should approach the High Commissioner on two other questions not immediately connected with

the negotiations, viz., the question whether Saudi Arabia might have a consul at Jerusalem with jurisdiction in Trans-Jordan and whether the High Commissioner could be present at the proposed meeting between the Amir and Ibn Saud. Later in the day, I prepared the High Commissioner for Fuad Bey's questions. By the next morning the High Commissioner had further reassured Fuad Bey as to the intentions of His Majesty's Government in regard to Trans-Jordan and Fuad Bey had no difficulty in accepting His Majesty's Government's draft note on their responsibility, subject to a formal change in the preamble.

13. It now only remained to give final form to the texts. This was done at three further meetings on 26th and 27th July. In the course of these Fuad Bey was given a draft of a revised Trans-Jordan letter regarding nationality, from which we omitted, in deference to the views of the Amir and Taufiq Bey, any reference to the possible effect of a change in the status of the Aqaba Maan area, leaving Fuad Bey to make that point and any other reservations in his counter draft. No difficulty was experienced in arriving at agreed final drafts in all other cases, with the exception of the proposed exchange of letters on cancellation of claims, which Fuad Bey preferred to reserve pending the receipt of final sanction from Ibn Saud. He and Taufiq Bey agreed in principle to exchange these letters in the course of the following two or three days, in order that it might still be possible to attach them to the Treaty. In the meanwhile a formula was found to complete the rule on Araif in such a way that it would bar Araif claims in respect of any past raids, which might have formed the object of settlement between the governments concerned, that is to say raids already buried by the MacDonnell award and, by automatic extension, raids to be buried by the exchange of notes now contemplated.

14. There emerged from these proceedings fifteen documents, a list of which I attach. The delegates proceeded at about 5.30 p.m. on the afternoon of 27th July to Government House. The High Commissioner there presided at a brief final meeting, at which, after short complimentary speeches had been exchanged, the texts were signed. A short agreed *communiqué* was issued the same evening to the effect that the Treaty, the Protocol on Arbitration, and certain ancillary letters had been signed and would be published after the exchange of ratifications. We had had a short discussion at the penultimate meeting as to when and where this exchange should take place. It was agreed to aim at an exchange about two months after the signature of the Treaty but the question of place was left undecided, as Taufiq Bey was unwilling, without further consideration, to commit the Trans-Jordan Government to an exchange at Jedda, which appeared to the other delegates to be the simplest solution. Mr. Kirkbride will pursue this question.

15. I enclose copies of the notes* which I signed on behalf of His Majesty's Government and which are not to be published. They include that on the Ruwalla tribe, the reasons for which I have explained above. The other three follow the drafts previously prepared, subject to modifications of pure form. I obtained the concurrence of the High Commissioner in the final drafts before signing the notes. Fuad Bey handed me a reply to each note. I left the originals of his replies with the Jerusalem Secretariat to be translated and in due course submitted to His Majesty's Government as part of the complete collection of texts.

16. Fuad Bey and I exchanged letters on 26th and 27th July, communicating to each other our Full Powers. These were entirely formal, but I enclose, as a matter of interest, a translation of the Full Power* given to Fuad Bey for the purpose of the exchange of Anglo-Saudi notes connected with the main Treaty settlement.

17. I need add nothing to what I said in my general report on the first stage of the conference regarding the collaboration between the British and Trans-Jordan delegates, except that Mr. Kirkbride very ably replaced Colonel Cox. We were all greatly indebted to the Jerusalem Secretariat, the members of which gave us unstinted assistance throughout and more especially in the intensive work of reducing the texts to final shape.

18. Despite the clash over the Sirhan, which threatened to be serious but which ended in a kind of Tweedledum and Tweedledee battle, the atmosphere of the proceedings in Jerusalem was at least as favourable as that of the first stage in Jedda. This was greatly due to the hospitality of the High Commissioner, who gave an official dinner on 23rd July and another dinner-party on 26th July, besides entertaining Fuad Bey privately on the evening of 25th July. The proceedings were happily rounded off by a visit to Amman, where the Amir Abdullah entertained General Wauchope, the delegates, my wife, and some other guests at luncheon on 28th July. His Highness showed admirable courtesy. Taufiq Bey drove Fuad Bey over from Jerusalem and they were met at Suweilah by the Mayor of Amman and another official. The Amir placed Fuad Bey on his left at luncheon and they engaged in animated conversation during a good part of the meal. Towards its close, His Highness made a graceful speech in which he welcomed the conclusion of the Treaty, expressed appreciation of the efforts of those who had promoted it and referred in cordial terms to Ibn Saud and his family. Fuad Bey, in an apt reply, paid a tribute to the sacrifices which the Hashimites had made for the Arab cause in the past and the further proofs of good will shown in connexion with the present Treaty by the Amir and his government. He echoed the Amir's tribute to the High Commissioner and others, including His Majesty's Government, who had

* Not printed.

combined to produce so happy a result. Before leaving Amman I sent a message to the Amir through his private secretary expressing my personal appreciation of his attitude and of the felicitous tone of his speech.

19. Fuad Bey displayed a thoroughly good spirit during the proceedings in Jerusalem and I am glad to be able to state that he made a very favourable personal impression on the High Commissioner. He made no attempt to enlarge the area of discussion by reverting to the points mentioned in paragraphs 18 to 20 of my despatch No. 131 of 8th May,* regarding the first stage of the conference. In this connexion I may state, with reference to paragraph 25 of that despatch, that General Wauchope and I agreed that in view of recent developments, the question of Hashimite properties in the Hejaz need not be pursued at present; and, with reference to the relevant portion of paragraph 19 and subsequent correspondence, that Mr. Kirkbride and I decided to postpone the questions of Article 13 of the Hadda Agreement and the possibility of a simple commercial agreement unless Fuad Bey should mention them, which he did not do.

20. I have adverted incidentally above to two other matters not directly connected with the Treaty settlement, namely (*a*) the wish of the Saudi Government to have a consul at Jerusalem with jurisdiction in Trans-Jordan and (*b*) the proposed meeting between the Amir Abdullah and Ibn Saud. The first of these is a purely Palestinian question and will doubtless be dealt with by the High Commissioner separately. As regards the proposed meeting of rulers, I had a general exchange of views with General Wauchope and I propose to pursue the matter in personal discussion with your department in the near future.

21. I will deal separately with one matter which arose during the recent proceedings, namely the desire expressed by the Amir Abdullah to make presents to my wife and myself on the occasion of our visit to Amman.

22. I am sending copies of this despatch and enclosure to Mr. Kirkbride, my colleague during the discussions at Jerusalem. I would suggest that, if you see no objection, further copies should be sent to the High Commissioner and to His Majesty's Chargé d'Affaires at Jedda.

I have, &c.,

ANDREW RYAN.

P.S.—When drafting this despatch, I overlooked one point of some importance, namely that on 27th July Fuad Bey manifested distinct anxiety to allay the feeling created by the Saudi attitude in regard to the Sirhan. Taking Mr. Kirkbride aside, he assured

* No. 1.

him that the action taken by the local authorities in the Wadi Sirhan to deprive members of the tribe of their rights of property had been unauthorized and would not be repeated. In separate conversation with me the same afternoon Fuad Bey said it was a pity that so much had been made of Sheikh Yusuf Yassin's language about the Sirhan on 4th May and that Sheikh Yusuf had spoken in jest. I admitted that Sheikh Yusuf had made his remarks during a sort of interlude in a formal meeting, at a moment when neither Fuad Bey nor I were actually present. I added that I myself had not taken the matter very seriously and had tried to attenuate its effect but that Sheikh Yusuf's language had undoubtedly created a most unfavourable impression and that it had therefore been necessary to emphasize its unfortunate character.

Enclosure 1 *in No.* 6.

LIST OF DOCUMENTS SIGNED ON 27TH JULY, 1933.

No.	*Document.*	*Signed by*
1.	Treaty of Friendship and *Bon Voisinage* ...	Taufiq Bey. Fuad Bey.
2.	Schedule to Treaty: Rules for Guidance of Special Officers	See Note (*b*).
3.	Protocol on Arbitration	Taufiq Bey. Fuad Bey.
4.	Trans-Jordan letter on Tribal Nationality ...	Taufiq Bey.
5.	Saudi letter on Tribal Nationality	Fuad Bey.
6.	Saudi letter on Meetings of Special Officers...	Fuad Bey.
7.	Trans-Jordan letter on Meetings of Special Officers	Taufiq Bey.
8.	British note on responsibility for fulfilment of Trans-Jordan obligations	Sir A. Ryan.
9.	Saudi acknowledgement of No. 8	Fuad Bey.
10.	British note on crossing of frontier by British officials in Trans-Jordan	Sir A. Ryan.
11.	Saudi acknowledgement of No. 10	Fuad Bey.
12.	British note on diplomatic and consular relations between Trans-Jordan and Saudi-Arabia	Sir A. Ryan.
13.	Saudi acknowledgement of No. 12	Fuad Bey.
14.	British note on Ruwalla tribe	Sir A. Ryan.
15.	Saudi acknowledgement of No. 14	Fuad Bey.

Notes:—

(*a*) The official texts of all the above are in Arabic, with the exception of Nos. 8, 10, 12, and 14, the only texts of which are in English.

(*b*) I am not sure whether the signatories of No. 1 attached separate signatures to No. 2.

(*c*) It seemed probable on 27th July that the above documents would be completed by a Trans-Jordan—Saudi exchange of letters on the cancellation of raiding claims up to date (see paragraph 13 of the covering despatch) in time for these letters to be annexed to the Treaty. The form of these further letters was agreed *ad referendum*.

(Intld.) A. R.

3rd August, 1933.

No. 7.

Treaty of Friendship and Bon Voisinage between Trans-Jordan and Saudi Arabia, signed at Jerusalem, 27th July, 1933; *together with Protocol on Arbitration and Schedule appended to Treaty (Ratifications exchanged at Cairo on 21st December,* 1933).

In the name of God, the Compassionate, the Merciful.

His Highness the Amir Abdullah Ibn Hussein, Amir of Trans-Jordan, of the one part,

and

His Majesty King Abdul-Aziz Ibn Abder-Rahman Al Feisal Al Saud, King of the Kingdom of Saudi Arabia, of the other part, being desirous of consolidating their mutual relations by the conclusion of a Treaty of Friendship and *Bon Voisinage*, have appointed as their plenipotentiaries for this purpose:

His Highness the Amir of Trans-Jordan,

His Excellency Taufiq Bey Abul Huda, Acting Chief Minister of the Amara of Trans-Jordan;

His Majesty the King of the Kingdom of Saudi Arabia,

His Excellency Fuad Bey Hamza, Deputy Minister for Foreign Affairs in the Government of His Majesty;

who, having communicated to each other their powers, found in good and due order, have agreed as follows:

Article 1.

Permanent peace and firm and inviolable friendship shall prevail between the Amara of Trans-Jordan and the Kingdom of Saudi Arabia.

The two High Contracting Parties undertake to use their utmost endeavours to preserve these relations and to settle in a spirit of peace and friendship all disputes and differences which may arise between them.

Article 2.

Each of the two High Contracting Parties undertakes to preserve good relations with the other Party and to endeavour by every means in his power to prevent the use of his territory as a base for unlawful acts or preparations therefor, including raiding, which may be directed against the peace and tranquillity of the territory of the other Party.

If it should appear to either of the two High Contracting Parties that the steps which he has taken may be insufficient to prevent the persons engaged in the unlawful activities mentioned in the first paragraph from giving effect to them in the territory of the other Party, he shall notify the other Party of them and of the measures which he has taken to put a stop to their being carried on.

Article 3.

The two High Contracting Parties shall appoint special officials in the zones in the neighbourhood of the frontier who shall be responsible for the organization of general co-operation and for carrying out the measures necessary to ensure the application of the provisions of this Treaty and the two Governments shall notify each other of the names of the persons appointed for this purpose.

These officials or such persons as may be acting on their behalf shall have the right to communicate with each other for the purpose of co-operation and with a view to the settlement of questions arising from time to time on the frontier or between the tribes. They shall exchange information immediately regarding any incidents occurring on the side of either which may affect the maintenance of security on the other side.

Article 4.

Whenever the competent authorities specified in Article 3 learn of preparations being made in their territory by an armed person or by armed persons with the object of committing acts of robbery or plunder or raiding or any other unlawful act of such a nature as to disturb the peace on the frontier between the two countries, each competent authority shall be obliged to warn the other thereof.

If it should appear that the warning sent to the competent authority will not arrive in time to admit of warning being given to those liable to be injured by the aggression, warning must be given in addition to the nearest official and, in case of its being impossible to reach him, to the tribes threatened.

In circumstances of urgent necessity warning may be given by any official acting on behalf of the competent authority of the Party in whose territory the preparations are taking place.

Article 5.

If the competent authority of either of the two High Contracting Parties, or any person acting on behalf of such authority, should learn of the commission in his territory of any act of robbery or plunder or raiding or any other unlawful act of such a nature as to disturb the peace on the frontier between the two countries, he shall have the right to notify the competent authority of the other Party and in circumstances of urgent necessity he shall inform the nearest official of such other Party. The person so notified shall thereupon take the necessary steps with a view to the immediate restoration in their entirety of all stolen and plundered objects out of what is seized in the possession of the aggressors, in the event of their entering the territory in which he is employed.

If the aggressors be Beduin subjects of the country which they have entered the necessary measures shall be taken to put them on trial in that country. If they be Beduin subjects of a third

party, they shall be called upon to leave the country which they have entered under threat of being put on trial if they do not leave it. If they be Beduin subjects of the other Party, in whose territory the raiding has taken place then, after the restoration of the plunder found in their possession, as stated in the first paragraph, their arms shall be confiscated and handed over to their Government and a quantity of their property sufficient to make good the losses and damage which they have caused as a result of their raiding shall likewise be confiscated and handed over to their Government. They shall then be warned that they must return to their country of origin and, if they do not do so, they shall be prevented from remaining on the frontier and shall be put on trial for the crimes which they have committed. If it be assured that they will maintain peace and tranquillity subsequently they shall be allowed to remain remote from the frontier; otherwise they shall be expelled from the country in which they have taken refuge.

Article 6.

In order to give effect to the provisions of this Treaty and with a view to the maintenance of good relations generally on the frontier between the two countries, the officials appointed in pursuance of Article 3 of this Treaty shall meet at least once every six months, and at more frequent intervals in case of necessity, to settle questions relating to the frontier zones and to the tribes settled therein.

Article 7.

The special officials appointed in pursuance of Article 3 shall, when considering matters within their competence in accordance with the usage and custom prevailing in the frontier zone, observe the general rules set forth in the schedule to this Treaty and shall apply the said rules as far as possible for a period of one year from the entry into force of this Treaty. After the expiration of this period, it shall be permissible for the said officials to submit at any time to the High Contracting Parties any suggestions for the amendment of these rules. The High Contracting Parties shall, on receipt of such suggestions, exchange views as to whether the matter requires amendment. The rules shall remain in force until the two Parties agree upon the discontinuance of their application or upon their being amended.

Article 8.

All decisions taken in mutual agreement between the officials appointed in accordance with Article 3, in regard to questions arising on the frontier or between the tribes, shall be recorded in writing and signed by both officials at the time of the agreement and shall forthwith become operative and executory.

Matters on which the officials are unable to agree shall be referred to the Governments of the High Contracting Parties with a view to settlement by agreement between them. Effect shall be given by the competent authorities of the two High Contracting Parties to all decisions taken as a result of such agreement within three months from the date on which the final decision is taken.

The operation of Article 6 of the Hadda Agreement shall be annulled during the period of validity of this Treaty.

Article 9.

The tribes of the two Parties which habitually frequent both sides of the frontier for purposes of grazing or " musabala " shall be free to move about from place to place in the two countries, unless either of the two Governments should find it necessary to restrict this freedom of movement in the interests of public order or for reasons of economic necessity.

Nothing in this Article shall affect the maintenance of the established rights defined in Article 4 of the Hadda Agreement. Similarly, nothing in this Article shall disturb the enjoyment of the rights specified in Article 13 of the Hadda Agreement in any respect whatsoever or for any reason whatsoever.

Article 10.

It shall not be lawful for either of the High Contracting Parties to compel subjects of the other Party to enlist in any of his armed forces, whether regular or irregular.

It shall not be lawful for either of the High Contracting Parties to permit the subjects of the other Party to be employed in his armed forces as from the date of the entry into force of this Treaty unless they have previously acquired the nationality of the Party under whom they wish to serve and have notified their readiness to renounce their original nationality if this be prescribed in the Nationality Regulations of their country of origin, it being understood that their Government of origin shall be free, when they enter their territory, to take any measures against them which may be laid down in their laws.

The names of persons naturalized and enlisted after the entry into force of this Treaty shall be notified through the diplomatic channel to the Government of their country of origin.

Article 11.

Each of the two High Contracting Parties undertakes to prevent any of his officials from crossing the frontier between the two countries without the permission of the other Party for any reason whatsoever and by any means whatsoever, with the exception of crossing by frontier officials and messengers with a view to maintaining the co-operation defined in Articles 3, 4, 5, 6 and 7 of this Treaty.

Article 12.

Subject to the observance of the provisions contained in the Hadda Agreement regarding the movement of tribes, pilgrims and merchants, the two High Contracting Parties mutually undertake to refrain from authorizing foreigners resident in their countries or setting out therefrom, or subjects of the two High Contracting Parties, to cross the frontier of the country of the other Party for the purpose of travel, exploration, hunting or any other purpose, without having obtained previous permission from the competent authority of the Party concerned, and to discourage their intention of doing so. They shall not be responsible for the safety of such persons if their entry was effected without previous permission.

Article 13.

All differences which may arise between the two High Contracting Parties regarding the interpretation or execution of the provisions of this Treaty or other provisions contained in the agreements determining the relations between the two Parties shall be settled in agreement between them by reference to arbitration, which shall be conducted in accordance with the Protocol appended to this Treaty.

Article 14.

This Treaty has been drawn up in duplicate in the Arabic language. The two High Contracting Parties shall ratify it and shall exchange instruments of ratification as soon as possible. It shall come into force as from the date of the exchange of the instruments of ratification and shall be valid for a period of five years beginning with that date.

If neither of the two High Contracting Parties gives notice to the other Party six months before the expiration of the period of five years that he wishes to terminate the Treaty, it shall remain in force and shall not be held to have terminated until after six months from the day on which one of the two Parties shall have given notice of its termination to the other Party.

IN FAITH WHEREOF the two Plenipotentiaries aforesaid have signed this Treaty at Jerusalem on the fifth day of the month of Rabi-ath-Thani in the year 1352 of the Hijra, corresponding to the 27th day of the month of July of the year 1933 A.D.

TAUFIQ ABUL HUDA,
Delegate of the Amara of Trans-Jordan.

FUAD HAMZA,
Delegate of the Kingdom of Saudi Arabia.

PROTOCOL ON ARBITRATION.

In the name of God, the Compassionate, the Merciful.

In pursuance of Article 13 of the Treaty of Friendship and *Bon Voisinage*, which we have signed this day in our capacity as plenipotentiaries of His Highness the Amir Abdullah Ibn Hussein, Amir of Trans-Jordan, and His Majesty King Abdul-Aziz Ibn Abdur-Rahman Al Feisal Al Saud, King of the Kingdom of Saudi Arabia, we have in virtue of the powers conferred upon us, agreed that, in any case referred to arbitration in conformity with the said Treaty, the arbitration shall be conducted in accordance with the following Articles.

Article 1.

The arbitration shall be conducted by two arbitrators, of whom each of the High Contracting Parties shall select one, under the presidency of a third person appointed in the manner set forth in Article 3 of this Protocol.

Article 2.

If the two High Contracting Parties shall have agreed to refer any difference whatsoever to arbitration in accordance with the provisions of Article 13 of the Treaty of Friendship and *Bon Voisinage* signed this day, they shall draw up a joint memorandum on the matters which it is desired to settle by arbitration. A President of the Board of Arbitration shall then be appointed in accordance with Article 3 of this Protocol and a copy of the joint memorandum on the matters which it is desired to settle by arbitration shall be forwarded to him. Each Party shall forward to him within a period not exceeding one month from the date of his nomination a memorandum of the arguments in support of his case. Each of the two High Contracting Parties shall be entitled to forward to the President any other memorandum relative to his contention at any time within a period of three months of his nomination. Each Party shall be bound to forward to the other Party all documents which he may forward to the President.

Article 3.

The President of the Board of Arbitration shall be appointed by agreement between the two Parties within two months of the date of the agreement to refer the matter to arbitration.

Article 4.

The President of the Board of Arbitration shall invite the Board to meet at a place which he shall select after consultation with the two High Contracting Parties and on a date which he shall appoint after similar consultation, provided that the period intervening between his nomination and this date shall not be less than

three months and shall not exceed six months. The Board of Arbitration shall give its decision within three months of the above-mentioned date.

Article 5.

The Board of Arbitration shall be free to determine the procedure to be followed. The two High Contracting Parties undertake to afford it all possible facilities and assistance for which it may apply with a view to the performance of its task.

Article 6.

Each of the two High Contracting Parties may appoint one or more persons to expound his point of view in regard to the questions in dispute before the Board of Arbitration.

Article 7.

The two High Contracting Parties definitely undertake to accept as binding and to give effect to the decisions rendered by the arbitrators on the questions referred to them. The arbitrators may, in case of necessity, adopt their decision by a majority.

Article 8.

Each of the two Governments shall pay the salary and expenses of the arbitrator appointed by it and one-half of the salaries and expenses of the President, clerks and other persons of whose assistance the arbitrators may have need.

Article 9.

This Protocol shall come into force as from the date of the exchange of copies thereof ratified by the two High Contracting Parties. It shall remain in force for the duration of the Treaty of Friendship and *Bon Voisinage* concluded between them on this date. The two High Contracting Parties shall prolong its operation until the decision has been rendered in any case referred to arbitration in accordance with it before the termination of the operation of that Treaty.

IN FAITH WHEREOF, we have signed this Protocol at Jerusalem on the fifth day of the month of Rabi-ath-Thani, in the year 1352 of the Hijra, corresponding to the 27th day of the month of July of the year 1933 A.D.

TAUFIQ ABUL HUDA,
Delegate of the Amara of Trans-Jordan.

FUAD HAMZA,
Delegate of the Kingdom of Saudi Arabia.

SCHEDULE

referred to in Article 7 of the Treaty of Friendship and *Bon Voisinage*.

1. *Certificates for the Return of Loot.*

On each occasion on which loot is returned in conformity with the provisions of the Treaty of Friendship and *Bon Voisinage*, with a view to its being delivered to the owners thereof, the special official appointed in accordance with Article 3 of the said Treaty shall give the person taking delivery of the loot an official certificate in the following form signed by him:—

I, the undersigned, certify as follows:—

(i) That the property and animals now returned constitute to the best of our knowledge resulting from our investigations, all the loot which the aggressors captured in the incident which occurred at.....on the.....between members of the.....and.....tribes, with the exception of the following, which it has not been possible to recover,.....
.....

(ii) That the property and animals now returned comprise all that we have recovered from the aggressors up to this date, in its entirety, and, by way of compensation for objects certified to be impossible of recovery in kind and to be missing, namely,
.....
the following, which are forwarded,.....
and I certify that these are of the same equivalent value as the missing objects which it has not been possible to recover and, further, that all possible measures are being taken for the recovery of any other loot which has not been recovered from the aggressors and that, when recovered, it will be returned to you accompanied by a further certificate.

(*Signature*).....

2. *Wisaqa.*

It shall not be permissible to detain livestock or property on either side of the frontier in order to enforce the return of other looted livestock or property believed to be unlawfully held on the other side of the frontier. This shall not affect the right of the authorities on each side of the frontier to make use of this means to enforce the restoration of livestock or property unlawfully held in their own territory only.

3. *Araif.*

Animals found in the possession of the subjects of one of the Parties may not be impounded by an official of the other Party on the ground that they are claimed as Araif, except in the case of such animals forming part of the loot taken in a raid, in respect of which the responsible official on the other side has not certified that complete restitution has been made. In any such case, animals may be detained, subject to ultimate agreement being arrived at regarding them between the two Parties.

No claim shall be entertained for the return of animals alleged to be Araif taken in raids which have been the subject of final settlement between the two Parties.

4. *Blood Money.*

Each of the parties shall collect from a homicide, being his subject, blood money in respect of a slain person belonging to the other side, provided that the person slain was not guilty of premeditated aggression. The blood money shall be calculated at the rate of ten she-camels between two and four years of age, unless the relatives of the homicide and the slain person agree that there is an established custom between them for the payment of the blood money on some other basis.

5. *Compensation for Losses.*

Persons guilty of premeditated criminal acts of aggression, such as raiding or robbery, shall be obliged to make good all losses suffered by the victims as a result of the aggression, as for example animals which have been killed in fighting or have been looted and died or have been lost while in their possession. The special officer appointed in conformity with Article 3 of the Treaty of Friendship and *Bon Voisinage*, who is responsible for the collection and return of the loot, shall likewise collect from the aggressors out of their property objects equivalent in value to those losses and shall deliver them together with the loot, as required by paragraph 1 of this Schedule. The official of the country whose subjects were the victims may collect any evidence which he considers appropriate regarding the losses and forward it to the official of the other Party engaged in collecting the loot.

6. *Khidma.*

On the return of the looted property or animals nothing shall be deducted therefrom by way of Khidma, recompense, wages of herdsmen, or expenses. If the Party collecting the loot has incurred such expenditure, he is free to recover it out of the property of the aggressors. The recompense, however, of a person who has found stray camels and taken charge of them until application is made by their owner shall be calculated at the rate of one gold pound for every five camels, provided that the finder has given notice of his having found them at the time of its occurrence and has not attempted to conceal it.

7. *Definition of Beduin.*

For the purpose of applying the provisions of the Treaty of Friendship and *Bon Voisinage*, every person arrested while taking part in a raid committed by nomadic tribes shall be deemed to be Beduin, unless he proves the contrary in a competent quarter.

The 5th Rabi-ath-Thani 1352, corresponding to the 27th July, 1933.

TAUFIQ ABUL HUDA,
Delegate of the Amara of Trans-Jordan.

FUAD HAMZA,
Delegate of the Kingdom of Saudi-Arabia.

37776/34 [No. 7].

No. 8.

Tewfik Bey Abul Huda (Delegate of the Amara of Trans-Jordan)
to
Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia).

(Copy received 2nd April, 1934.)

[*Answered by No. 9.*]

5th Rabi-ath-Thani, 1352.
(*27th July*, 1933.)

YOUR EXCELLENCY,

As it has unfortunately proved impossible in the course of the discussions relative to the Treaty of Friendship and *Bon Voisinage*, which we have signed to-day, to reach a complete agreement on the subject of the nationality of tribes, I have the honour to record in this letter the understanding of the Government of Trans-Jordan as to the result of the discussions as regards the various tribes referred to in the discussions in question. The Government of Trans-Jordan consider that any agreement reached on this subject will be valid for the duration of the said Treaty and shall be subject to revision at the end of that period.

1. It is agreed to regard the following tribes as being Trans-Jordanian subjects :

Huweitat Ash-Shimal (Ibn Jazi) including the 'Atun.
Beni Sakhr.
'Isa.
The Debur section of the 'Imran.
Beni Khalid.
Hajaya.
Beni Hasan.

2. It is agreed to regard the following tribes as Saudi subjects :

Huweitat At-Tihama and the tribes lying to the south of them.
Bili.
Hiteim and 'Aneiza Al-Hejaz.
Shammar of Nejd.
'Imran, with the exception of the Debur and Rabai'yin sections.
All other tribes residing in places lying south of these tribes.

3. The Government of Trans-Jordan are prepared to recognize that the Beni 'Atiya shall be regarded as Saudi subjects, with the exception of the persons whose names are shewn in the list attached to this letter and the members of their families living with them. My Government reserve the right to regard those persons and their families as being Trans-Jordanian subjects.

4. The Government of Trans-Jordan reserve the right to regard the members of the Rabai'yin section of the 'Imran tribe as being Trans-Jordanian subjects.

5. The Government of Trans-Jordan are unable to accept the view of the Government of Saudi Arabia that all members of the Shararat are subjects of Saudi Arabia territory. The Government of Trans-Jordan reserve the right to regard members of the Shararat as Trans-Jordanian subjects in their territory.

6. The Government of Trans-Jordan consider that all members of the Sirhan tribe with the exception of persons who belong by origin to the original Sirhan tribe but who are permanently established in Saudi territory must be regarded as Trans-Jordanian subjects. The Government of Trans-Jordan take note of the acceptance by the Government of Saudi Arabia of this point of view, subject to the reservation made by Your Excellency concerning the five persons named below together with their families, whom the Government of Saudi Arabia claim as being their subjects, that is to say,

(i) Ibn Khamis and his relatives.
(ii) Ibn Mithhin and his relatives.
(iii) Ibn Mut'ab and his relatives.
(iv) Ibn Mazhur and his relatives.
(v) Ibn Marzuq and his relatives.

Please accept, etc.,

TEWFIK ABUL HUDA,

Delegate of the Amara of Trans-Jordan.

Enclosure in No. 8.

LIST.

1. 'Auda Walad Hami al Asfar.—El Habaina.
2. 'Auda ibn 'Ayyad Es Se'ud.—El Habaina.
3. 'Auda ibn Suleiman il 'Amish.—El Habaina.
4. Salama ibn Sa'id ibn Muslim.—El Habaina.
5. Suleiman ibn 'Id ibn Salama.—El Habaina.
6. Suleiman ibn Lueifi ibn Salim.—El Habaina.
7. Hamdan ibn Lueifi.—El Habaina.
8. Salim ibn Suleiman.—El Habaina.
9. 'Id ibn Mashraf.—El Habaina.
10. 'Ayyad ibn Salama.—El Habaina.
11. Warrad ibn Salim.—El Habaina.
12. 'Id ibn Suleiman il Akra'.—El Habaina.
13. 'Ali ibn Salama.—El Habaina.
14. Salman ibn Salim.—El Habaina.
15. Muhammed ibn Suleiman. — El Habaina.
16. Muhammed ibn Mutlaq. — El Habaina.
17. Da'san ibn Salman ibn Salih.—El Habaina.
18. Freih ibn Sabah ibn Mas'ad—El Habaina.
19. Salman ibn Mas'ad.—El Habaina.
20. Shteiui ibn Muslim ibn Salim.—El Habaina.
21. 'Ali ibn Muslim ibn Salim.—El Habaina.
22. 'Id ibn Shteini ibn Muslim.—El Habaina.
23. 'Afnan ibn Matlab ibn 'Id.—El Habaina.
24. Nasir ibn Matlab ibn 'Id.—El Habaina.
25. Sudan ibn Matlab.—El Habaina.
26. Matlab ibn 'Id.—El Habaina.
27. Salama ibn Jabr Es-Suqeiri.—El Habaina.
28. 'Id ibn Jabr Es-Suqeiri.—El Habaina.
29. 'Aish ibn Lueifi.—Es Suleiman.
30. Hammad ibn Sa'id il Mesei'id.—El Khadhri.
31. Radhi ibn Ruei'i.—El Khadhri.
32. 'Abd ibn Hamdan.—El Khadhri.
33. Salama ibn Salim ibn Sa'id.—El Khadhri.
34. Sa'ad ibn Hamad ibn Mes'id.—El Khadhri.
35. 'Id ibn Muhammed ibn Benih.—El Khadhri.
36. 'Salama ibn Z'al ibn Salim.—Es Sebut.
37. 'Awad ibn Salama al Hamad.—Es Sebut.
38. 'Ali ibn Salama al Hamad.—Es Sebut.
39. Salim ibn Moseib ibn Suleiman.—Es Sebut.
40. 'Abdullah ibn Suleiman.—Es Sebut.
41. 'Awad ibn Suleiman.—Es Sebut.
42. 'Auda ibn 'Id.—Es Sebut.
43. Sueilim ibn Salama.—Es Sebut.
44. Sueilim ibn Salim El Abid.—Es Sebut.
45. Jad'an ibn Ali 'Ib.—Er Ramadhin.
46. El Hanif ibn Freij.—Es Sebut.
47. Hueimil ibn 'Auda.—Es Sebut.
48. Hotheirim ibn Suleiman.—Es Sebut.
49. Muhammed ibn 'Abdullah ibn Suleiman.—Es Sebut.
50. Nueij'i ibn Suleiman.—Er Ramadhin.
51. 'Auda ibn 'Akyan.—Es Sebut.
52. Jedd'o ibn 'Ilayan ibn 'Id.—Er Ramadhin.
53. Hiteiris ibn Sueilim ibn 'Ali ibn 'Id.—Er Ramadhin.
54. Masnad ibn 'Ilayan ibn 'Id.—Er Ramadhin.
55. Sa'id ibn Selim ibn Musa.—Es Sa'idanin.
56. Sa'ad ibn Selim ibn Muso.—Es Sa'idanin.
57. Suleiman ibn Selim Abu Sbila.—Es Sa'idanin.
58. Hamdan ibn Selim Abu Sbila.—Es Sa'idanin.
59. Salim ibn Sultan.—Es Suleiman.
60. Rashid ibn Mas'ad.—Es Suleiman.
61. Sueilim ibn Suleiman.—Es Suleiman.
62. 'Auda ibn Suleiman il Quran.—El Habaina.
63. Muqim ibn Faraj ibn Selim.—El 'Ali-in.
64. 'Id ibn Faraj ibn Salim.—El 'Ali-in.
65. Salim ibn 'Atiq.—El 'Ali-in.
66. 'Id ibn Suleiman ibn 'Ali.—El 'Ali-in.
67. Muhammed ibn 'Ali.—El 'Ali-in.
68. Suleiman ibn 'Id.—El 'Ali-in.
69. Muhammed ibn Salim.—El 'Ali-in.
70. 'Auda ibn 'Ali.—El 'Okeilat.
71. Salama ibn 'Ilayan ibn Muslim.—Es Sebut.
72. Sa'ad ibn Suleiman.—El 'Okeilat.
73. Menzil ibn Sueilim.—El Habaina.
74. Muhammed ibn 'Ali.—El Khamaisa.
75. Musa ibn Salim El 'Attar.—El Habaina.
76. Suleiman ibn Salman.—El Khamaisa.
77. 'Ali ibn Samir.—El Khamaisa.
78. Salama ibn Suleiman.—El Khamaisa.
79. Salman ibn Khadhr.—El Khamaisa.
80. 'Auda ibn 'Omar.—El Khamaisa.
81. 'Id ibn Lafi.—El Khamaisa.
82. Freij ibn Suleiman.—El Mazaida.

83. Salim ibn 'Id ibn Juban.—Er Ramadhin.
84. Sa'id ibn 'Ali Abu Thaina.—Es Sa'idanin.
85. 'Id ibn Heteiris ibn 'Ali.—El Habaina.
86. Salim ibn Rashid.—El Mazaida of the "dira" of the Majali.
87. Salim ibn Farraj.—El Mazaida of the "dira" of the Majali.
88. Selim ibn Farraj.—El Mazaida of the "dira" of the Majali.
89. Hammud ibn Hammad.—Es Sebut.
90. Radhian ibn Hammad.—Es Sebut.
91. 'Aish ibn Hammad.—Es Sebut.
92. Muhammed ibn Hammud.—Es Sebut.
93. Hamid ibn Lueifi.—El Khamaisa.
94. Jad'an Eth Theneib.—El Khadhra.
95. 'Id el Jad'an.—El Khadhra.
96. Salman ibn 'Ali.—El 'Okeila.
97. Muhammed ibn 'Id.—El Habaina.
98. Musa ibn 'Okeilan.—El Habaina.
99. Salman ibn Salah ibn Salim.—El Habaina.
100. Salim ibn Khadhr.—El Khamaisa.
101. Salim ibn Samir.—El Khamaisa.
102. Salama ibn Mas'ud.—El Khamaisa.
103. Salama ibn Salim.—El Khamaisa.
104. Lafi ibn Maqbul.—El Khamaisa.
105. Sheteiui ibn Lafi.—El Khamaisa.
106. Salim ibn Musa.—El Mazaida.
107. 'Abdullah ibn Basis.—El 'Okeilat.
108. Matruk ibn Nueij'i.—El 'Okeilat.
109. Zahir Abu Ridn.—El 'Okeilat.
110. Suleiman ibn Abbad El Nasarin.—Nashra.
111. Rashid ibn Suleiman.—Et Tajra.
112. Basis ibn Suleiman.—Et Tajra.
113. Khadhr ibn Suleiman.—Et Tajra.
114. Muhammed ibn Salman.—Et Tajra.
115. Salim ibn 'Auda el 'Okeilat.—Et Tajra.
116. Salama ibn Zahir.—Et Tajra.
117. Tleihan.—Et Tajra.
118. Mir'i ibn Salim.—Et Tajra.
119. Khadhr ibn Mir'i.—Et Tajra.
120. 'Atiq ibn Mir'i.—Et Tajra.
121. 'Auda ibn 'Obeid.—Et Tajra.
122. Zahir ibn 'Atiq.—Et Tajra.
123. Ahmed ibn Selim.—Et Tajra.
124. Khalaf il Masamra.—El Masamra.
125. Salim ibn Sabah.—El Jam'an.
126. Selim ibn 'Id.—El Jam'an.
127. Salama ibn Khadhr.—El Jam'an.
128. Ahmed ibn 'Ali iz Zoheir.—El Jam'an.
129. Muhammed ibn Salim.—El Jam'an.
130. Muhammed ibn Salama.—El Jam'an.
131. Irhil ibn 'Id.—El Jmei'an.
132. Shera ibn 'Ali il Kerim.—El Jmei'an.
133. 'Id ibn Muhammed il 'Okeilat.—El 'Okeilat.
134. 'Auda ibn Salama El Masamra.—El Masamra.
135. Salim ibn 'Ali il 'Osufi.—El 'Osufi.
136. Salama ibn Radh'a.—El Sa'idanin.
137. Muslim el Radh'a.—El Sa'idanin.
138. Suleiman ibn Sa'id Er Radhamani —El Sa'idanin.
139. Selim Abu Dmeik.—'Atiyat.
140. Hueimil ibn Zahir.—Et Tajra.
141. Dumeijan ibn 'Abd.—'Atiyat.
142. Murad ibn 'Atiya.—'Atiyat.
143. Khadhr Walad Jarad.—'Atiyat.
144. Suleiman ibn Jarad.—'Atiyat.
145. 'Ali ibn Rashid.—El 'Okeilat.
146. Sa'id ibn Ghadhban.—Es Sebut.
147. Muhammed il 'A'raj.—El 'Ali-in.
148. Freiji ibn Husein.—El Masamra.
149. Sa'id ibn Lueifi.—El Jmei'an.
150. Khadhr ibn Lueifi.—El Jmei'an.
151. 'Auda ibn Salama.—El Jmei'an.
152. Hamad ibn 'Id.—El Jmei'an.
153. Suleiman ibn Khadhr.—El Jmei'an.
154. 'Abd Rabbu ibn Salama.—El Jmei'an.

37776/34 [No. 7].

No. 9.

Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia)
to
Tewfik Bey Abul Huda (Delegate of the Amara of Trans-Jordan).
(Copy received 2nd April, 1934.)

5th Rabi-ath-Thani, 1352.
27th July, 1933.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of the letter* which you have addressed to me on the subject of the difficulties which have arisen during the negotiation of the Treaty of Friendship and *Bon Voisinage*, which we have signed to-day, owing to differences of opinion as to the nationality of certain tribes situated in places in the vicinity of the frontier between the two countries, and the impossibility of reaching a definite agreement in regard to them. I have pleasure in conveying to you in this reply the point of view of the Government of His Majesty the King regarding this matter, on the understanding that any agreement which we have reached on the subject will be held to be operative for the duration of the Treaty of Friendship and *Bon Voisinage* referred to and that the Parties will be entitled to reconsider it after the expiration of that period.

1. Subject to the reservation of any rights which may accrue to the Government of His Majesty the King as the result of any ultimate settlement regarding the sovereignty over the Aqaba and Ma'an area, there is no objection at the present time to regarding the tribes resident therein as Trans-Jordanian tribes and it is also agreed that the other tribes mentioned in paragraph 1 of your note are of Trans-Jordanian nationality.

2. It is agreed that the following tribes and such other tribes as lie to the south and east of them are Saudi Arab tribes :—

Huweitat At-Tihama.
Bili.
Shammar of Nejd.
Hiteim.
'Aneiza, Ahl Al Jenub.
'Imran, with the exception of the Debur.
Any other tribes whose *diras* lie to the south of these tribes.

3. I have taken note that the Government of Trans-Jordan recognize that the Beni 'Atiya tribe is a Saudi Arab tribe. I have also taken note of the list of individuals of the Beni 'Atiya whom the Government of Trans-Jordan regard as being Trans-Jordanians by reason of their being settled in their territory, which list is attached to your above-mentioned note. While the Government

* No. 8.

of His Majesty the King are prepared to agree to the exclusion of some of the individuals whose names are given in the list they are unable to accept the list as final and as comprising Trans-Jordanians only.

4. I am unable to agree to the reservation which Your Excellency's Government have made in regard to the Rabai'yin section of the 'Imran.

5. I confirm to you by this note that my Government are unable to alter their point of view in the matter of regarding all the Shararat as being a Saudi-Arab tribe.

6. The Government of His Majesty the King see no objection to regarding the Sirhan tribe as being Trans-Jordanian subjects, subject to two exceptions, to the first of which Your Excellency's Government have agreed and the second of which you have noted; namely that all the settled Sirhan residing in the territory of Saudi Arabia are Saudi Arabs and that the following individuals belonging to the Beduin and their families are also Saudi Arabs, viz. :—

(i) Ibn Khamis and his relatives.
(ii) Ibn Mithhin and his relatives.
(iii) Ibn Mut'ab and his relatives.
(iv) Ibn Mazhur and his relatives.
(v) Ibn Marzuq and his relatives.

Please accept, etc.,

FUAD HAMZA,

Delegate of the Kingdom of Saudi Arabia.

37776/34 [No. 7].

No. 10.

Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia) to Tewfik Bey Abul Huda (Delegate of the Amara of Trans-Jordan).
(Copy received 2nd April, 1934.)
[Answered by No. 11.]

5th Rabi-ath-Thani, 1352.
(27th July, 1933.)

YOUR EXCELLENCY,

With reference to Article 3 of the Treaty of Friendship and *Bon Voisinage*, which we have signed to-day, I have the honour to inform you of the following :—

1. The authorized officials appointed by the Government of His Majesty the King at the present time with a view to the organization of general co-operation in the zones in the neighbourhood of the frontier between our two countries are :—

(i) The Amir of Tebuk, for cases concerning the zones of the Amaras of Tebuk and Dhaba.

(ii) The Amir of Qariyat, for cases concerning the zone of the Wadi Sirhan.

(iii) Or any other official acting for the two Amirs mentioned.

2. The above-mentioned officials are empowered to use the wireless stations at Tebuk and Qariyat for sending and receiving wireless messages the exchange of which may be necessary between them and the official or officials authorized by your Government to perform similar functions.

3. The meetings provided for in Article 6 of the Treaty of Friendship and *Bon Voisinage* shall be held at such place as may be agreed upon on each occasion between the competent officials. My Government see no objection to the first meeting being held at Qariyat Al Milh.

4. It is not necessary that both the Amirs of Tebuk and Qariyat shall be present at each meeting. Each of them may act for the other for the settlement of cases concerning the two Parties.

I shall be grateful if you will inform me that you have taken note of the foregoing and advise me of the names of the officials and wireless stations designated by your Government for the same purposes.

Please accept, etc.,

FUAD HAMZA,

Delegate of the Kingdom of Saudi Arabia.

37776/34 [No. 7].

No. 11.

Tewfik Bey Abul Huda (Delegate of the Amara of Trans-Jordan)

to

Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia).

(*Copy received 2nd April*, 1934.)

5th Rabi-ath-Thani, 1352.

(*27th July*, 1933.)

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of Your Excellency's note* of this date relative to the arrangements regarding the special officials provided for in Article 3 of the Treaty of

* No. 10.

Friendship and *Bon Voisinage*, which we have signed to-day. I have taken note of the contents of your note and I have the honour to inform Your Excellency of the following :

1. The special officials appointed by the Government of His Highness the Amir at the present time with a view to the organization of general co-operation in the zones in the neighbourhood of the frontier between our two countries are :—

(i) The Officer Commanding the Arab Legion.

(ii) The Officer Commanding the Desert Region.

(iii) Any officer acting for them.

2. The above-mentioned officials are empowered to use the wireless stations existing at Azraq, Mudawwara, and Bair for the purpose of sending and receiving messages, the exchange of which may be necessary between them and the official or officials authorized by your Government to perform similar functions.

3. My Government agree that the meetings provided for in Article 6 of the Treaty of Friendship and *Bon Voisinage* shall be held at such place as may be agreed upon on each occasion between the special officials and that the first meeting shall be held at Qariyat Al Milh.

4. It is agreed that it is not necessary for each of the special officials appointed by the two Governments to be present at each meeting and that each of the two officials appointed by the two Governments may act for the other for the settlement of cases pertaining to the absent official.

Please accept, etc.,

TEWFIK ABUL HUDA,

Delegate of the Amara of Trans-Jordan.

37776/34 [No. 7].

No. 12.

Tewfik Bey Abul Huda (Delegate of the Amara of Trans-Jordan)

to

Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia).

(*Copy received 2nd April*, 1934.)

[*Answered by No.* 13.]

5th Rabi-ath-Thani, 1352.

(*27th July*, 1933.)

YOUR EXCELLENCY,

During the discussions with a view to the conclusion of the Treaty of Friendship and *Bon Voisinage*, which we have signed to-day, the question was raised of a reciprocal agreement between

the two High Contracting Parties not to pursue or support claims arising from raids or other acts similar thereto as specified in Articles 2 and 4 of the said Treaty, which are alleged to have been committed on either side of the frontier previous to the signature of the Treaty referred to.

I have the honour to inquire whether the Government of Saudi Arabia agree to this proposal, in which case I suggest on behalf of the Government of Trans-Jordan that this letter together with Your Excellency's reply may be considered as a definite documentary record of the agreement on this subject.

Please accept, etc.,

TEWFIK ABUL HUDA,
Delegate of the Amara of
Trans-Jordan.

37776/34 [No. 7].

No. 13.

Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia)

to

Tewfik Bey Abul Huda (Delegate of the Amara of Trans-Jordan).

(*Copy received 2nd April*, 1934.)

5th Rabi-ath-Thani, 1352.
(*27th July*, 1933.)

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your letter of this date* regarding the arrangement between our two Governments not to pursue or support claims arising from raids or any other acts similar thereto, as referred to in Articles 2 and 4 of the Treaty of Friendship and *Bon Voisinage*, which claims arise from events previous to the date of the signature of the Treaty.

I understand that this arrangement applies to claims by subjects of one Party against subjects of the other Party and does not include, naturally, claims which may be brought against subjects of one Party whilst they are resident in the territory of the other Party.

In these circumstances, I have pleasure in informing you that the Government of His Majesty the King agree to this arrangement and that this reply together with the letter you have addressed to me may be considered as an official documentary record of the agreement on this subject.

FUAD HAMZA

Delegate of the Kingdom
of Saudi Arabia.

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* No. 12.

17776/2/33 [No. 253].

No. 14.

Sir A. Ryan (His Majesty's Representative, Jedda)

to

Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia).

(*Copy received 11th September*, 1933.)

[*Answered by No.* 18.]

JERUSALEM,

27th July, 1933.

YOUR EXCELLENCY,

After Compliments,

In view of the fact that a Treaty of Friendship and *Bon Voisinage* and a Protocol on Arbitration have been signed this day by Your Excellency and His Excellency Taufiq Bey Abul Huda, as plenipotentiaries of His Majesty the King of the Kingdom of Saudi Arabia and His Highness the Amir of Trans-Jordan, I am authorized by His Majesty's Government in the United Kingdom to state that under Article 5 of the Agreement of 28th February, 1928, between His Britannic Majesty and His Highness the Amir of Trans-Jordan the latter undertook to be guided by the advice of His Britannic Majesty in all matters concerning the foreign relations of Trans-Jordan. I am to add that having regard to this Article and to their special position in regard to Trans-Jordan as defined in the preamble of the said Agreement of 28th February, 1928, His Majesty's Government in the United Kingdom consider themselves responsible for the fulfilment by the Amir and Government of Trans-Jordan of the obligations entered into by His Highness the Amir in the Treaty of Friendship and *Bon Voisinage*, the Protocol on Arbitration and the annexed documents which have been signed to-day. It is understood that the assurance hereby given by me on behalf of His Majesty's Government in the United Kingdom that they accept this responsibility will become operative as soon as the Treaty and Protocol in question come into force.

With highest respects,

ANDREW RYAN.

17776/2/33 [No. 253].

No. 15.

Sir A. Ryan (His Majesty's Representative, Jedda) to Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia).

(*Copy received* 11*th September*, 1933.)

[*Answered by No.* 19.]

JERUSALEM,
27*th July*, 1933.

YOUR EXCELLENCY,

After Compliments,

With reference to Article 11 of the Treaty of Friendship and *Bon Voisinage* signed this day by Your Excellency and His Excellency Taufiq Bey Abul Huda as plenipotentiaries of His Majesty the King of the Kingdom of Saudi Arabia and His Highness the Amir of Trans-Jordan, I have the honour to state that I am authorized by His Majesty's Government in the United Kingdom to agree on their behalf that the rule laid down in the said Article shall apply equally to persons in Trans-Jordan in the employment of His Majesty's Government in the United Kingdom.

With highest respects,

ANDREW RYAN.

17776/2/33 [No. 253].

No. 16.

Sir A. Ryan (His Majesty's Representative, Jedda) to Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia).

(*Copy received* 11*th September*, 1933.)

[*Answered by No.* 20.]

JERUSALEM,
27*th July*, 1933.

YOUR EXCELLENCY,

After Compliments,

In the course of the negotiations relative to the Treaty of Friendship and *Bon Voisinage* signed to-day by the plenipotentiaries of His Majesty the King of the Kingdom of Saudi Arabia and His Highness the Amir of Trans-Jordan, it was agreed that the question of diplomatic and consular relations between the two High Contracting Parties should be dealt with in notes to be exchanged between Your Excellency and myself, having regard

to the special position of His Majesty's Government in the United Kingdom in regard to the foreign relations of His Highness the Amir.

His Majesty's Government in the United Kingdom, acting with the concurrence of His Highness the Amir of Trans-Jordan, have authorized me to come to the following understanding on the subject, namely :—

(*a*) That the diplomatic representation of the interests of Saudi Arabia in Trans-Jordan shall be exercised by the diplomatic representative of the former country in the United Kingdom ; and

(*b*) that the consular interests of Saudi Arabia in Trans-Jordan shall be exercised by a consul, whom the Government of Saudi Arabia shall have the right to appoint at Ammân, on the understanding that, if such a consul is appointed, the Government of Trans-Jordan shall have the right to appoint a consul at Jedda.

I shall be grateful if Your Excellency will confirm the above understanding on behalf of the Government of the Kingdom of Saudi Arabia.

With highest respects,

ANDREW RYAN.

17776/2/33 [No. 253].

No. 17.

Sir A. Ryan (His Majesty's Representative, Jedda)
to
Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia).

(*Copy received* 11*th September*, 1933.)

[*Answered by No.* 21.]

JERUSALEM.
27*th July*, 1933.

YOUR EXCELLENCY,

After Compliments,

In the course of the discussions relative to the Treaty of Friendship and *Bon Voisinage* which have been signed this day by Your Excellency and His Excellency Taufiq Bey Abul Huda, as plenipotentiaries of His Majesty the King of the Kingdom of Saudi Arabia and His Highness the Amir of Trans-Jordan, you enquired as to the views of the Government of Trans-Jordan regarding the nationality of the Ruwalla tribe. Having obtained the necessary information from the authorities concerned, I am in a position to

state, with the concurrence of His Majesty's High Commissioner for Trans-Jordan, that the Government of Trans-Jordan do not in present circumstances regard any section of the Ruwalla as being of Trans-Jordanian nationality.

With highest respects,

ANDREW RYAN.

17776/2/33 [No. 253].

No. 18.

Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia)
to
Sir A. Ryan (His Majesty's Representative, Jedda).

(*Copy received* 11*th September*, 1933.)

27*th July*, 1933.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your note of the 27th July, 1933,* which you were kind enough to address to me on the occasion of the conclusion of the Treaty of Friendship and *Bon Voisinage*, the Protocol on Arbitration and annexed documents by myself, and His Excellency, Tawfiq Bey Abul Huda, as plenipotentiaries of His Majesty the King of the Kingdom of Saudi Arabia, and His Highness, the Amir of Trans-Jordan, and in which you informed me of the special position of His Britannic Majesty's Government in Trans-Jordan, and that His Highness the Amir of Trans-Jordan undertook, under the Agreement of the 28th February, 1928, between His Highness and Your Government, to be guided by the advice of His Britannic Majesty in all matters concerning his foreign relations.

I have pleasure to note that, having regard to their special position in regard to Trans-Jordan under that Agreement, His Majesty's Government in the United Kingdom consider themselves responsible for the fulfilment by the Amir and the Government of Trans-Jordan of the obligations entered into by His Highness the Amir in the Treaty of Friendship and *Bon Voisinage*, the Protocol on Arbitration and the annexed documents, which have been signed to-day. I also note that your Government's responsibility in this regard will become operative as soon as the Treaty and Protocol in question come into force.

With highest respects,

FUAD HAMZA,
Plenipotentiary, Kingdom of Saudi Arabia.

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* No. 14.

17776/2/33 [No. 253].

No. 19.

Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia) to Sir A. Ryan (His Majesty's Representative, Jedda).

(*Copy received* 11*th September*, 1933.)

JERUSALEM,
27*th July*, 1933.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of Your Excellency's note of this date,* with regard to the equal application of the rule laid down in Article 11 of the Treaty of Friendship and *Bon Voisinage*, signed this day by His Excellency Tawfiq Bey Abul Huda and myself, as plenipotentiaries of His Majesty the King of the Kingdom of Saudi Arabia, and His Highness the Amir of Trans-Jordan, to persons in Trans-Jordan in the employment of His Majesty's Government in the United Kingdom. I have taken note of the contents of your note.

With highest respects,

FUAD HAMZA,
Plenipotentiary, Kingdom of Saudi Arabia.

17776/2/33 [No. 253].

No. 20.

Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia) to Sir A. Ryan (His Majesty's Representative, Jedda).

(*Copy received* 11*th September*, 1933.)

JERUSALEM,
27*th July*, 1933.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your note dated the 27th July, 1933,† with regard to the diplomatic and consular relations between the Kingdom of Saudi Arabia and the Amara of Trans-Jordan which, it was agreed, should be dealt with in notes to be exchanged between Your Excellency and myself independently of the Treaty of Friendship and *Bon Voisinage*, which were signed to-day by the plenipotentiary of His Highness the Amir, and myself.

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* No. 15. † No. 16.

I have pleasure to note the understanding referred to in paragraphs (*a*) and (*b*) of your note, and that His Majesty's Government in the United Kingdom and His Highness the Amir agree to this understanding. I beg to add that the Government of the Kingdom of Saudi Arabia agree to this understanding.

With highest respects,

FUAD HAMZA,
Plenipotentiary, Kingdom of Saudi Arabia.

17776/2/33 [No. 253].

No. 21.

Fuad Bey Hamza (Delegate of the Kingdom of Saudi Arabia) to Sir A. Ryan (His Majesty's Representative, Jedda).

(*Copy received* 11*th September*, 1933.)

JERUSALEM,
27*th July*, 1933.

YOUR EXCELLENCY,

I have the honour to acknowledge the receipt of your note dated the 27th July, 1933,* with regard to the Ruwalla tribe, and to note that the Government of Trans-Jordan do not claim any section of the Ruwalla tribe, and do not regard this tribe as being of Trans-Jordan nationality.

With highest respects,

FUAD HAMZA,
Plenipotentiary, Kingdom of Saudi Arabia.

37776/34 [No. 2].

No. 22.

Report dated 27*th December*, 1933, *by the Assistant British Resident, Amman, regarding the circumstances surrounding the Exchange of Ratifications.*

(*Received* 15*th January*, 1934.)

THE BRITISH RESIDENT,

I have the honour to report that I accompanied Sheikh Fuad Pasha el Khatib to Cairo for the purpose of exchanging ratifications of the Saudi—Trans-Jordan Treaty of Friendship and *Bon Voisinage*.

* No. 17.

2. On the morning of the 20th of December, we called at the office of the Oriental Secretary to the High Commissioner for Egypt, Mr. Smart, and from there placed ourselves in touch with the Saudi Agent in Cairo, Sheikh Fouzan el Sadik.

When arranging the venue of the exchange of the instruments of ratification the Saudi Agent urged that the exchange should take place at his Agency but agreed, after some discussion, that the meeting should take place at the Continental Hotel the following day at 11.00 hours.

3. The meeting took place as arranged and after reading out the texts of the two instruments of ratification the papers were exchanged and the delegates signed statements recording the exchange, of which one was retained by each delegate. The Saudi Agent produced two statements for signature in both of which his name appeared before that of the Trans-Jordan representative but agreed, although reluctantly, to sign a statement wherein the Trans-Jordan representative's name appeared first.

4. The Saudi Agent, with the concurrence of the Trans-Jordan representative, issued a copy of the Treaty, including Protocol and Schedule, to the Egyptian Press on the morning of the 22nd of December. He said that his instructions did not permit his making any statement regarding the letters exchanged at the time of the signature of the Treaty and that he assumed that the letters would not be published in Trans-Jordan.

5. Relations throughout the proceedings were cordial and Sheikh Fuad, Mr. Smart, and myself dined at the Saudi Agency the night of the 21st of December, 1933.

A. S. KIRKBRIDE,
Assistant British Resident.

27*th December*, 1933.

(25928—29) Wt. 20410—3268 75 12/34 P. St. G. 373